

March 28, 2006



TRANSCRIPT
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MONTGOMERY COUNTY COUNCIL

George Leventhal, President	Marilyn J. Praisner, Vice President
Phil Andrews	Howard Denis
Nancy Floreen	Michael Knapp
Thomas Perez	Steven A. Silverman
	Michael Subin



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1 Council President Leventhal,
2 Thank you very much for the civics lesson. You are always an excellent teacher. We're
3 going to begin now. We are going to rise for a moment of silence.

4
5 [SIRENS]

6
7 Council President Leventhal,
8 Thank you.

9
10 Unidentified Speaker,
11 Fire engines are right on cue with the sirens.

12
13 Council President Leventhal,
14 Councilwoman Nancy Floreen has a proclamation to the Montgomery County Alumni
15 Chapter of the Delta Sigma Theta Sorority in recognition of Delta Youth Day.

16
17 Councilmember Floreen,
18 The Council will be interested to know that this is a pretty active and engaged group I
19 have discovered. They represent high schools in every part of the County and
20 apparently came to the anti-ICC briefing before they came up to the Council. You're
21 going to have to squoosh in here.

22
23 Multiple Speakers,
24 [INAUDIBLE]

25
26 Councilmember Floreen,
27 For shorter people in the front is a good system. This is another important part of civic
28 engagement, lining up for pictures. I just want to say thank you Delta Sigma Theta
29 Sorority. Getting young people involved in local government is such an important effort.
30 I applaud the Delta Sigma Theta Sorority for bringing these young people here today
31 and here each year. And I hope you come away this afternoon with an understanding
32 that your local government officials are working hard to serve our residents and you. I
33 hope also this exercise will inspire some of you explore public service as a career. We
34 already talked about the educational requirements, which are "None," remember that.
35 And maybe you'll run for County Council after you stop working on the anti-ICC
36 program. And to Delta Sigma Theta, I say continue this very worthwhile program. I really
37 think it educates these kids and young people and will help them keep a watch on us
38 and help us develop a better society. Thank you all. I have a nice proclamation to give
39 you. And it says, "WHEREAS, for over 80 years Delta Sigma Theta Sorority has been a
40 public service organization of approximately 200,000 college educated women united in
41 their pledge to work together to implement the sorority's five-point program thrust:
42 Educational development, political awareness and involvement, economic development,
43 physical and mental health development, and international awareness and involvement.
44 And WHEREAS the Montgomery County Alumni Chapter of Delta Sigma Theta Sorority,
45 chartered on March 7th, 1970, having over 500 members locally, has made significant

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1 contributions to County citizens by providing services and programs which particularly
2 impact the County's African-American youth, elderly and women. WHEREAS since
3 politics and government significantly impact the quality of life of every individual, the
4 Montgomery County Alumni Chapter of Delta Sigma Theta Sorority provides and
5 promotes programs that educate citizens throughout the political process and
6 encourages them to participate in public life. Now therefore, be it resolved that the
7 Montgomery County Council hereby proclaims commendations to the Montgomery
8 County Alumni Chapter of Delta Sigma Theta Sorority, Inc. And be it further resolved
9 that the County Council takes this opportunity to wish the Alumni Chapter of Delta
10 Sigma Theta Sorority much success in its present and future endeavors and applauds
11 the Chapter for development and implementation of their Annual Delta Youth Day in
12 Montgomery County government, to provide the opportunity to selected local high
13 school youth to see how local government works for them. We congratulate you on this
14 14th anniversary of Delta Youth Day." Presented today and signed by our Council
15 President, George Leventhal. So, thank you very much.

16
17 Multiple Speakers,
18 Thank you.

19
20 Councilmember Floreen,
21 We're really proud of you. Would you like to say something?

22
23 Chris Richardson,
24 We're glad to be here and we thank all of you. We look at this as an opportunity for a
25 grasp of knowledge. The young people we have here today are mainly seniors from
26 high schools all across this country. We had an activity last evening where we gave
27 them an opportunity to do a culture exchange where we had five to six different
28 countries where the students talked about how their government worked. So today is an
29 on-hand experience in this government. We hope that all of them will have an
30 opportunity to learn something and be citizens tomorrow in our community -- or
31 wherever they are -- and be good participants in the days ahead. So thank you very
32 much for having us here. We appreciate everything. Thank you again.

33
34 Councilmember Floreen,
35 Thank you very much. Now we have to pose for the official picture.

36
37 [APPLAUSE]

38
39 Here we go.

40
41 Multiple Speakers,
42 [INAUDIBLE]

43
44 Councilmember Floreen,
45 Okay. Thank you very much. There you go, guys. Thanks for being here.

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1
2 Chris Richardson,
3 Thank you.

4
5 Council President Leventhal,
6 All right. Wonderful to see young people here. We wish you well. Good morning. Good
7 to see you. Hi. I know that whenever my colleagues and I see promising young people,
8 it reminds us of our own youth. We know that all of you have hopes and dreams for your
9 future and you're thinking about the kinds of careers you're going to pursue. I just want
10 you to know that if those plans don't work out, you can always run for the Montgomery
11 County Council.

12
13 [LAUGHTER]

14
15 Council President Leventhal,
16 Okay. Agenda and Calendar changes.

17
18 Linda Lauer,
19 This afternoon, there's an additional item for our CIP review and that's the Department
20 of Public Works, the Brookfield Service Park. So that's been added this afternoon.
21 We've received a number of petitions this week. One is opposition to paid parking at any
22 Montgomery County Public Library. We have another opposing the plan to close Seven
23 Locks Elementary School and build a replacement school on Kendale Drive. And we
24 have a number of petitions supporting various projects. One is the renovation of Burning
25 Tree Elementary School, construction of a new Garrett Park Elementary School,
26 renovation of Gaithersburg Library, modernization of Walter Johnson High School and
27 modernization of Potomac Elementary School. Thank you.

28
29 Council President Leventhal,
30 Thank you. Are there minutes for approval?

31
32 Council Clerk,
33 You have the minutes of March 13th, 14th, and 15th for approval.

34
35 Councilmember Andrews,
36 So moved.

37
38 Council President Leventhal,
39 Mr. Andrews has moved and Ms. Praisner has seconded the approval of minutes.
40 Those in favor will signify by raising their hands. It is unanimous. We'll turn now to the
41 Consent Calendar. I need a motion to approve the Consent Calendar.

42
43 Councilmember Praisner,
44 Move approval.

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1 Council President Leventhal,
2 Ms. Praisner has moved and Mr. Perez has seconded the Consent Calendar. I want to
3 speak to Item "A" on the Consent Calendar. Today we are simply introducing a
4 resolution to establish an ad hoc Agricultural Policy Working Group. We are wide open
5 to suggestions from the community as to who should serve on this working group. Some
6 Councilmembers have made suggestions and we are going to compile those
7 suggestions. But we are wide open. The resolution does suggest that there should be
8 10 to 15 members with significant knowledge of the issues involved. In my mind, that
9 means that folks primarily will be living in the area affected or nearby the area affected.
10 Although I'm very appreciative that the Vice Chair of our Planning Board, Wendy
11 Purdue, who's here, has agreed to serve. She will be a vital link between the Planning
12 Board and this Agricultural Policy Working Group. We're looking forward over the next
13 week to identifying the mechanism by which we will appoint the community members
14 and we're open to suggestions from the community about the process of appointing
15 individuals and also about specific individuals who would like to serve. Anyone who is
16 interested in serving should go ahead and submit a resume and a letter of interest to
17 Justina Ferber of the County Council staff. This agricultural policy working group is
18 charged with addressing the many different policy issues that are -- that have been
19 raised over the last few months. Every member of this Council shares the goal that our
20 children and our grandchildren will be able to appreciate the beauty of this great
21 resource, this 93,000 acre reserve that in the early 1980s our predecessors on the
22 Council decided to set aside for very, very, very low density rural character and we
23 intend that it remain with that character in perpetuity. Many questions have been raised
24 about how best to accomplish that goal and my hope is that this working group will keep
25 first in mind that our primary goal should be that this is an agricultural zone. That means
26 we should seek ways to make agricultural viable in the County. And I don't know that
27 any of us have hit upon how to manage that in the 21st century in this urban and ex-
28 urban metropolitan area. I don't have the answers today. I don't know whether this
29 working group will solve the problem of keeping agriculture viable. I want to issue an
30 appeal today to Giant, Safeway, and Whole Foods and Trader Joe's and Costco and all
31 of the grocery entities that sell produce in Montgomery County. Look at local produce.
32 Let's urge our private sector to work with our agricultural sector and let's eat
33 Montgomery County cantaloupe, tomatoes. Let's find a way to have Montgomery
34 County soy beans in our home. Let's find a way to make agricultural viable and in the
35 meantime, this working group will take up the questions of [child lock] sand mounds,
36 transferable development rights, building lot terminations, and other related issues.
37 Because each of these issues is related to the other issues. So, we're grateful for those
38 who have already indicated a willingness to serve. We are open to suggestions for other
39 people to serve. And I see there are other comments on the Consent Calendar. Why
40 don't we -- let me just ask, why don't we stay on Item "A" for the time being. Mr. Knapp?

41
42 Councilmember Knapp,
43 Thank you, Mr. President. I just wanted to express appreciation for us taking a look at
44 this. A number of us have raised this issue for awhile as to how do we get all of these as
45 it relates to the agricultural reserve and agriculture on the table to make sure we're

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1 looking at a comprehensive approach. And the only -- to that point, Mr. President, one
2 of the things I want to make just a small modification to the actual action part of this
3 resolution. Where it says "to provide advice on ways to ensure the protection of
4 Agricultural Reserve." I would add at the end of that sentence "and preservation of our
5 agricultural industry." Which is basically what it's referenced in -- or "preservation of
6 agricultural," which is referenced in the master plan. Just so we've got not just
7 preservation of the agricultural reserve but the actual elements of agriculture that will
8 make that Agricultural Reserve valuable.

9
10 Council President Leventhal,
11 Is there an objection to Mr. Knapp's suggestion? Hearing no opposition, Mr. Knapp's
12 amendment will be included.

13
14 Councilmember Knapp,
15 Thank you. Mr. Subin.

16
17 Councilmember Subin,
18 Just an extra comment, I had the same concerns that Mr. Knapp did, but for those of us
19 who shop north of Shady Grove Road, you already can buy Montgomery County goods
20 in all of the stores that were mentioned...and we do.

21
22 Council President Leventhal,
23 Okay. Again, let's stay on Item "A" for the time being. Ms. Floreen.

24
25 Councilmember Floreen,
26 Thank you. I just wanted to compliment you, Mr. President, for taking on this initiative.
27 We have been beset by a variety of issues associated with the Agricultural Reserve
28 since we completed our work on the water and sewer policy issues. And it is really time
29 to look at these issues in a coordinated and comprehensive way. I am very pleased that
30 we're going to be doing that. It's really important that we worry about the unintended
31 consequences of looking at one solution to issues in isolation and I think this is the way
32 to go. So I compliment you, Mr. President, and I look forward to this work group getting
33 underway.

34
35 Council President Leventhal,
36 Ms. Praisner, is this on Item "A"?

37
38 Councilmember Praisner,
39 Yes. I echo the comments made with my colleagues but I have one concern. We can
40 look at all these issues and we must. And we can look at the issues of making and
41 continuing to make the occupation of agriculture or business of agriculture an integral
42 part of Montgomery County life. My concern is reality. And to update the Council on its
43 progress and submit a final report to the Council within Calendar Year 2006 as a
44 monumental task for this task force. And my concern is that either there be a reinvention
45 of the wheel or that we -- so I would urge that we build and work on the excellent work

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1 that's already been done by Park and Planning Commission and by the Department of
2 Economic Development and by other task forces and committees that have come
3 before this group. My other concern is it is an election year. There are requirements as
4 far as the timetable for the Council to be able to introduce that and act on land use
5 required actions, to the extent there are any. Therefore I think that for it to be effective,
6 this task force must organize its work such that if there are recommendations relating to
7 regulatory land use, they must be brought to us sooner rather than later to have an
8 effect. Finally, I would note that there are those organizations, countywide, that have
9 had an integral interest and activity in the issue of the Ag Reserve, beyond those who
10 live there. That also -- and I can think of the League of Women Voters and others, who
11 would, I think, provide the kind of calm, measured presence to this task force that I
12 would recommend. And finally, I hope that we are advertising today, Mr. Lacefield, this
13 task force such that beyond those who may have the luxury of being available to watch
14 this program now will have the same opportunity to fill out applications and apply for this
15 task force. And I guess one last comment, having approached the University of
16 Maryland and those at the University who are ready, willing, and able to help us on the
17 issue of preserving, protecting, and strengthening the industry of agriculture in this
18 County, I hope we will call upon them to provide some of this assistance. I have items --
19 other items as well, Mr. Leventhal.

20
21 Council President Leventhal,

22 Thanks. I'd just like to address some of the Vice President's comments. They're all very
23 well taken and very much appreciated. If the Vice President has any suggestions of
24 people from the League of Women Voters or any other sector of the community or any
25 other organization, I hope she will bring those to my attention. I do not object to
26 advertising publicly for applicants for this position. There is some question as to how
27 much delay we would build in and I don't know if Mr. Lacefield is here -- I haven't seen
28 him -- or if he's listening, but we certainly could put an advertisement out today. My
29 hope is that it would be relatively short time frame for response so that we could get
30 started as quickly as possible. I've not identified a specific date by which this working
31 group should report back, because I want to consult with the members of the working
32 group who only a few of whom, you know, I have identified. I'm very wide open as to the
33 composition of the working group. So I didn't want to impose upon them a deadline that,
34 once they're up and running, and started working that they can't live with. And then
35 finally with respect to contracting for outside assistance, our Council Staff Director, Mr.
36 Farber, and I have discussed that. We have an expedited procedure for contract
37 assistance of \$25,000 or less. My preference would be rather than beginning by
38 identifying a sole-source contractor that we might put out a notice of interest for
39 research and policy contract assistance. You've mentioned one of our distinguished
40 academic institutions and I'm well aware of your interest in working with them and that
41 may be a very desirable way to go. But we ought to put out an open bid and let anyone
42 who's interested in providing research and policy assistance to respond to that. So your
43 suggestions are very well taken, Ms. Praisner, and any Councilmember who has
44 interest in structuring this task force, today or later, please feel free. We want to do this
45 in a way that all Councilmembers have confidence. And so now we're ready for

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1 comments on any other item on the Consent Calendar and I'm going to call -- oh, Mr.
2 Andrews wanted to comment on Item "A".

3
4 Councilmember Andrews,

5 Thank you, Mr. President. I agree that it is very important to look at the Agricultural
6 Reserve comprehensively. As all of us have spoken about the Agricultural Reserve
7 benefits the entire County. It benefits the entire region because of its key role in how it
8 uses the land. I do think that it is important to have a broad membership on the group.
9 The support for the Agricultural Reserve really does depend on support from people
10 throughout the entire County. So I hope we will draw broadly and have many different
11 perspectives and broad perspectives on the future of it, as well as getting into the
12 details of what kind of policies will actually allow agriculture to continue to thrive in the
13 Reserve. Thank you.

14
15 Council President Leventhal,

16 Thank you, Mr. Andrews. Mr. Silverman, is this on Item "A"?

17
18 Councilmember Silverman,

19 No.

20
21 Council President Leventhal,

22 Okay. On other items on the Consent Calendar, Vice President Praisner?

23
24 Councilmember Praisner,

25 I just want to comment on "J," which is the special appropriation for the Rollingwood
26 facility accessibility improvement of \$75,000. I think it should be coming from current
27 revenue and I support the Education Committee's recommendation on that. I just
28 wanted to comment that this accessibility issue to improve Rollingwood for voter access
29 goes beyond what one might call a Americans with Disabilities Act requirement and
30 speaks to the standards and requirements associated with having polling places
31 accessible. And under the Help Americans Vote Act, the HAVA Act, the Federal Act, the
32 standards are more strenuous. We in the Management and Fiscal Policy Committee
33 have been looking at this issue with the Board of Elections, having had this issue from a
34 standpoint of access to polling places as an on-going issue, but brought more
35 heightened to us by the challenges of Rollingwood, which is a closed Montgomery
36 County Public School being leased by the School System to a private provider for which
37 the school system generates rent that it uses for other needs. There are other buildings
38 that are being used as polling places that are being reviewed by the Board of Elections.
39 We should be getting that information within the next month or two. And there may be
40 additional requests for funding, because the Board of Elections, as everyone knows on
41 this Council, does not have resources to do facility modifications. But the challenge is
42 that some of these facilities that have issues are private buildings, churches and other
43 facilities. And the question of what can be accommodated with a private building, or
44 whether the modifications will be made, is something that we will need to work on within
45 the next two months or so. And I anticipate bringing a report to the Council once the



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1 Board of Elections and our Department of Public Works can do some assessment of
2 these issues. So I just wanted to make that note since we did have an excellent public
3 hearing on community advocates for this modification at Rollingwood, at which the issue
4 of other polling places was raised. Thank you.

5
6 Council President Leventhal,
7 Mr. Silverman.

8
9 Councilmember Silverman,
10 Thank you, Mr. President, I appreciate recommendations of the Ed Committee and I
11 support the current revenue recommendation rather than G.O. bonds. This will get us
12 moving on this particular -- what I had understood to be a unique situation -- with one
13 polling place which would have to be in effect shut down and folks would have to go
14 outside their precinct to vote. I guess my question to the MFP Committee is whether it's
15 unique or not. Then the question is -- okay, to whoever, this is sort of a general
16 statement of, if we have other situation -- and this is the way I would characterize it. If
17 we have other situations that the Board of Elections is making a determination that
18 there's no other alternative polling place within a precinct, which is what the deal is with
19 Rollingwood, then I would hope that which ever Committee would handle it would move
20 quickly so that there might be enough time to get it taken care of. If there are concerns
21 in general about them and they have an option to move it to another place within the
22 precinct, then time sensitivity is different. In Rollingwood this was a situation where
23 there's no other place to go. So if there's anything else, I think we should move
24 expeditiously on that.

25
26 Councilmember Subin,
27 We did discuss that in Committee and thought that your initial thought was an excellent
28 one. We thought we would be better to take that even a step further. We did not look at
29 the issue narrowly of whether there was another site or not within the precinct to vote.
30 Never even got to that point, but said that this was the right thing to do. Not just for the
31 voting, which is every other year, but there could be other issues which affected
32 community use. And that where it was determined that those additional ADA facilities
33 were required but they should go in, with the caveat that unless it was for a school use
34 specifically, it shouldn't come out of the school system's budget. One possibility and this
35 is something we need to talk to Community Use with is that the fee structure be
36 rearranged so that that would be a consideration with that access in terms of going back
37 and paying for that. But that, we felt, was an issue that could be addressed later on, but
38 the fundamental issue of going in and not even questioning whether there was another
39 site or not, we didn't get to. We felt that the idea had enough merit to simply do it at the
40 schools.

41
42 Council President Leventhal,
43 Ms. Praisner?

44
45 Councilmember Praisner,

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1 The list of polling places that need to be reviewed do not, I believe, include any more
2 elementary schools. I have to go back and check. If there were, it was very few. Most of
3 the polling places -- and it's about 9 to 12 or so -- I can -- [Essies] and I are trying to
4 make eye contact. I can't remember how many. About nine. Six. None of which are
5 schools, as I recall.

6
7 Unidentified Speaker,
8 Mr. Levchenko was just telling me that one of them, the Rocking Horse Road Center, is
9 a school.

10
11 Councilmember Praisner,
12 Right, but I asked them to look at an alternative site, that is another building within the
13 polling place. The challenge that we're looking at is that these are private facilities and
14 the polling alternatives to the extent they exist, are also private facilities. But that's why
15 we will be working on this with the Board of Elections, which is going through the
16 comprehensive assessment tool which must be used for HAVA. It's a Department of
17 Justice tool which the Board of Elections is applying. It's a questionnaire that the
18 Department of Justice -- federal Department of Justice has created to assess the
19 parameters of a polling place. And we should have that information within the next two
20 months, at the most.

21
22 Council President Leventhal,
23 Okay, the Consent Calendar is now before the Council and those in favor of adopting
24 the Consent Calendar will signify by raising their hands. It is unanimous. The next item
25 before the Council is the motion by Councilmember Knapp of last week, which was
26 deferred to today regarding -- and this is in the FY '07 through 2012 Capital
27 Improvements Program for the Park and Planning Commission, the Silver Place MRO
28 Project. The Chairman of the Planning Board, Mr. Berlage; the Vice Chair, Ms. Perdue;
29 Commissioner Wellington; and I know -- I think the Planning Director, Farroll Hamer all
30 wanted to come up -- or whoever. Mr. Chairman, you can tell us who wants to come up.
31 We understand there's a short presentation from Park and Planning regarding its plans
32 for this facility.

33
34 Derick Berlage,
35 Mr. Mooney, would you like to join us? Yes, thank you very much. I know that the
36 Council has received a great deal of information in the past week, but I do want to go
37 over briefly some of the most important and salient points. Silver Spring was selected at
38 the site for the new Park and Planning headquarters because it is the best available
39 location in the County. We are at the end of a fairly lengthy process. The Planning
40 Board and the Council in prior years considered multiple other sites including several
41 sites in the Midcounty. Shady Grove was considered, Twinbrook was considered,
42 Wheaton was considered. And for a variety of reasons, many having to do with cost and
43 affordability, none of those sites could compete as well with the site that was selected.
44 The existing MRO site. It offers a unique, one might almost say an unprecedented
45 opportunity to this Council to meet multiple public goals with a single project: The goal

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1 of affordable housing. It could contain up to 100 units of moderately priced and
2 workforce housing. The goal of downtown redevelopment. The goal of having a major
3 government facility that is transit accessible; as everyone knows, Silver Spring has
4 more transit service than any other location in Montgomery County. And last but
5 certainly not least, the opportunity to reduce the public's cost because we already own
6 the site and because by doing a public/private partnership, we will be able to leverage
7 private dollars and indeed one of the reasons that more money hasn't been spent on
8 this project to date is that we have encouraged and required the private sector bidders
9 to spend more of the money up front so that the public does not have to.
10 Notwithstanding that, at this point in the process after a number of years, we believe it is
11 very important to respect prior decisions and the significant private investors -- and
12 private investments of many parties, starting with the County. Even though we have
13 leveraged private dollars, a significant amount of taxpayer money, nearly \$1 million, has
14 been invested to date. Some of that could well be lost if we are required to delay. The
15 private sector has invested significant time and money. We are now at a point where we
16 have identified three finalist developers who will present competing designs for the
17 project.. They and the bidders who were not selected have invested significant dollars in
18 the process that has unfolded to date. The Silver Spring community has been very
19 involved in this decision. The Silver Spring community has been told for some time that
20 Park and Planning will remain part of the downtown Silver Spring redevelopment. And
21 the community has made certain assumptions and has certain expectations in that
22 regard. Affordable housing advocates throughout the County have been involved in this
23 process and are counting on up to 100 units of housing to occur at this location. The
24 expectations of all of these groups would be seriously disrupted if we were to stop the
25 forward motion on this project and take the up to two years that we would likely be
26 required to consider alternate sites. To the extent that the concern today is about
27 acceptability of Park and Planning to all geographic areas to the County. That is a very
28 legitimate concern. That concern can be better met in other ways. In fact, can be met no
29 matter where Park and Planning was to be located by the use of technology. We are in
30 a technological age, and web access to many of our documents already exists. All
31 master plans have been online for several years. As the Council knows we are working
32 toward a point where all of the development review documents that we handle will all be
33 available over the web. We already webcast our meetings. So anyone can listen to our
34 meetings live and can also listen to them at 3:00 in the morning if they choose to. It's all
35 archived. The Planning Board is giving more notice of its meetings and its actions,
36 which helps people throughout the County to plan their day and to plan any necessity
37 they might have to actually come to Park and Planning. Even though coming physically
38 in the future will be less important because of the technology. We have in the last
39 several years as a Planning Board held Planning Board meetings in Clarksburg, here in
40 Rockville, and in Gaithersburg. So we do get out of Silver Spring, and we intend to do
41 that more frequently. Cable money that would allow us to "cablecast" our meetings
42 would be very much appreciated. That was one of our requests for the one-time
43 revenues. We would renew that request because that obviously would help
44 accessibility. Finally, as we plan the new building, hopefully at the Silver Spring location,
45 we definitely intend to consider very seriously having satellite planners in other parts of

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1 the County, perhaps at the Regional Service Centers, satellite computer terminals at the
2 libraries or the regional centers that would allow people to access Park and Planning
3 documents, and in particular access some of the very large format plan type documents
4 that people may not be able to get on their home computers. We have the time to make
5 those decisions and make those investments as part of the new building. A two-year
6 delay, finally, would be truly unthinkable, both for the staff who work in the MRO building
7 and the members of the public who use our building, because this product has already
8 been delayed and we are in a position where an additional two-year delay in opening a
9 new building will create truly unacceptable conditions for the staff and public. Our
10 working conditions are well known to many of you. We have people working in closets,
11 working in the basement, working in areas that were originally designed for utilities, not
12 human beings. People who come to park and plan having an information counter that is
13 very difficult to utilize. So it is urgent for the public, as well, that does come to the
14 headquarters that we have a great place to do that. We do not now. Finally the hearing
15 room is frequently overcrowded for large hearings. All of that -- fixing all of those
16 problems would be delayed an additional two years if we do not continue with the
17 current course. In addition, as the Council is well aware, we need to have much better
18 record keeping at Park and Planning. We need to use technology in many, many more
19 ways. There are significant investments that are going to be made. Those investments
20 can be made more effectively when we know that we are planning those investments for
21 a building that is coming in the near term as opposed to one that is off in the distant
22 future. We will without doubt have to spend hundreds of thousands of dollars, perhaps
23 millions of dollars that we would not otherwise have to spend to retrofit the existing
24 building if we are delayed two years. To retrofit the building to meet the health and
25 safety needs of the employees and to meet the technology needs that go with good
26 public access and good accountable procedures. For all of those reasons, the Planning
27 Board unanimously and very strongly urges that you allow us to continue on the path
28 that we are on. We know that we will bring you a project of which you can be very proud
29 on the existing Silver Springs site. I'll be happy to answer any questions.

30
31 Council President Leventhal,

32 Okay, actually I was going to let Mr. Knapp speak first since it was his motion, but his
33 light isn't on. Did you want to speak, Mr. Knapp?

34
35 Councilmember Knapp,

36 Sure. Thank you, Mr. President. Appreciate it. Thank you, Mr. Chairman. Thank you all
37 for coming today. Last week I had raised -- you can laugh at that. That's all right. Last
38 week I made a motion as it relates to deferring this \$440,000 in the CIP, pending further
39 analysis. There have been a lot of questions, number of e-mails that said they haven't
40 necessarily heard the perspective as to why I put that proposal forward. I want to walk
41 through a couple pieces then I had a couple of questions. The reason I stated last week.
42 It was a pretty short discussion I had because Mr. Perez was absent. Out of deference
43 to him being the member for representing District 5, we had deferred this discussion
44 until today. The notion I raised was, given the fact that the County Council -- had with
45 support for the Planning Board, has passed a number of pieces of legislation that

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1 require Park and Planning -- mandate that Park and Planning be more accessible in its
2 process, that it begged the question as to...

3
4 Multiple Speakers,
5 [INAUDIBLE]

6
7 Council President Leventhal,
8 A resolution is being handed out from the Takoma Park City Council and County
9 Councilmembers were commenting on the fact that the city of Takoma Park had
10 weighed in on this. Mr. Knapp, please proceed.

11
12 Multiple Speakers,
13 [INAUDIBLE]

14
15 Council President Leventhal,
16 Mr. Knapp has the floor.

17
18 Councilmember Knapp,
19 That's okay. Thank you. I thought it's an important thing for us to talk about the element
20 of accessibility. That's going to require not just making sure things are in line but making
21 sure people can get to places where Planning Board staff are, where Council staff are to
22 actually have real discussions. The other issue is looking at where that accessibility will
23 be. Looking at the population center of the County. The population center, thereby the
24 center of the population, not determining which community is bigger, is in Rockville and
25 has been for a long time. Right now the current -- that was up to the 2000 census.
26 Current population center of the County is on the corner of the 1600 block of Gude
27 drive. So right about here. So when you look at where can the most people in the
28 County actually get to, from an accessibility perspective, I thought that may be
29 something to consider. The other reason was the notion of given the issues that we've
30 seen as related to Clarksburg. There are lots of reasons we can point to as to how that
31 particular set of circumstances presented themselves. They weren't necessarily isolated
32 to that. There were procedural and systemic elements that needed to get addressed
33 that to co-locate Park and Planning nearer to other County departments and agencies
34 could both facilitate communication and dialogue, while at the same time also, as we've
35 been directed by our outside adviser, Dr. Hanson, give us the Council the ability to
36 better interact with Park and Planning to understand what the processes are. I'm going
37 to walk through some of these points in detail. But it was interesting, because last week
38 I had an opportunity on Friday -- and I was pleased that posters weren't up when I drove
39 into town because I was fearful I wasn't going to get out -- that I went down and met with
40 one of the largest employers in Silver Spring and one of the interesting comments he
41 had raised to me was that one of the best things he had done from a business
42 perspective was to bring all of his people into one place because it facilitated the type of
43 communication and synergy and coordination that he had lacked when they were
44 diffuse and decentrally located. I just thought that was a telling thing especially given the
45 conversation that it started last week. I want to clarify just a couple of points because

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1 there have been a number of e-mails that had circulated. But those were kind of the
2 reasons I had articulated last week as to why I'd raised this, and I've got some more that
3 I've had time to put together. One of the things that that troubles me is there's this
4 notion that this was somehow, you know, thrust upon people in a way that was not
5 public. I certainly don't want to do that. I try very hard in the four years I've been here to
6 not do that. So I just wanted to let people know what I had done previously just to clarify
7 that point. This was an issue that, as I articulated, kind of -- I'd thought about -- it wasn't
8 necessarily my original idea. Others in the Council had raised a notion of what are the
9 core services in the Rockville core? What are the government services that we provide
10 there? In thinking of that and given the other reasons I had just discussed it made sense
11 to me to at least say, "Gee, if we're looking at what services are provided in the
12 Rockville core, let's look at Park and Planning in addition to everything else." So I had
13 sent a memo to the PHED Committee, actually to all Councilmembers but particularly
14 the PHED -- of MFP, I'm sorry, not PHED, MFP. I had sent it to all Councilmembers just
15 raising this question as the MFP Committee was looking at services in the Rockville
16 core. I had done that back in January. Following that, this had come up within the PHED
17 Committee as they reviewed the CIP for Park and Planning. It was a point that had
18 obviously been discussed to some extent. Ms. Floreen had actually -- that was her
19 position and the CIP proposal to defer this until such time as broader analysis could be
20 done. Then it was also included in the documentation that was in the packet for last
21 week that that's where her position was and that this issue had been raised. So while I
22 appreciate it wasn't necessarily broadcast, certainly the CIP when we do it, we have
23 public hearings and everything within the CIP is on the table, but I just wanted to let
24 people know that I tried to be pretty public in putting this out there. I wasn't trying to do
25 anything surreptitiously. I wanted to clarify that point because it had been raised in a
26 number of e-mails. Secondly the motion I raised was to defer approval of the CIP. It was
27 not necessarily to move Park and Planning to Rockville at this time. We needed to get a
28 lot more information. I wanted to defer the CIP request until such time as we got that
29 information. Again, just a point of clarification as to what the actual motion was on the
30 table. And third there's been an implication that if Park and Planning were to move, that
31 this would be -- signal a County government pullout of Silver Spring. That wasn't
32 discussed at all last week. There have been a number of conversations as to other
33 departments and agencies that could also be looking to locate in Silver Spring or at that
34 spot that could potentially even have more employees than Park and Planning currently
35 provides to Silver Spring, which, according to a number of leaders I have spoken to,
36 here's one of the issues, the number of employees Silver Spring provides. I just wanted
37 to let people know, those were three issues to clarify. I know there has been confusion
38 in e-mails that have circulated. The other points I wanted to raise is this has been
39 characterized as an attack on Silver Spring. In all fairness I am amazingly supportive. I
40 know many of you, I think the revitalization of Silver Spring is critical. I have been
41 supportive of it in the time that I have been here and will continue to be supportive of it.
42 The question I asked came from the fact I wanted to look at all these pieces. We had an
43 opportunity in front of us to say "Where are we going be over the next 30, 40, 50 years,
44 given where we are in our planning process?" To make sure we fully ask the question.
45 Park and Planning is a countywide resource that everyone needs to access. Every new

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1 homeowner has to sign documentation that says they've looked at master plans, that
2 they reviewed certain documents, so everyone either has to go to Park and Planning or
3 has access Park and Planning activities at some point in time. Many may not. But they
4 sign a piece of paper that say they did. It is some place that everyone needs to get to.
5 As we look at the Chairman has talked about a lot, as we look at no longer having
6 Greenfields development, we're looking at redevelopment projects. You're going to have
7 even more people from throughout the County from smaller communities, who haven't
8 necessarily engage in Park and Planning in the past, who are going to have to be
9 participating in Park and Planning process. That's just the nature of the development
10 we're undertaking. So you look at those types of pieces. It seemed to me this was a
11 logical time to ask the question. And it's also important, I think, for Park and Planning to
12 have a good understanding of the County and I think the Board does a good effort trying
13 to get out there. But again it's a question of where you are. I was struck by a couple of
14 the e-mails that we received. One in particular that talked about, "I appreciate the fact
15 that-- as a resident of downtown Silver Spring I appreciate the fact that those were
16 Planning with and for my community are working and many living in my community.
17 Thus, our planners are seeing and living shared experiences enabling them to better
18 understand downtown Silver Spring and its residences and businesses." I agree. I
19 would argue that I think probably most communities in the County would like to have
20 that similar type of exposure and experience for Park and Planning. So I'm glad that's
21 working in Silver Spring. How do we bring that same type of activity to other
22 communities within the County? I think that's an important point. So just quickly to kind
23 of run through the broader list that I put together in the time since last Tuesday. As I
24 have articulated, Park and Planning provides -- looking at Rockville, I think provides a
25 central location. In fairness, it's really never been studied. We looked at a lot of different
26 pieces. Rockville itself was never studied. Which is intriguing to me because when I
27 went back and looked at the documentation. Even in the transmittal letter that former
28 Planning Board Chair Hussman sent over, even though there were five sites that were
29 explored in that analysis, the only site he actually talks about in the letter he sends over
30 is one that was never studied, which was Rockville. So he determines why Rockville?
31 He says Rockville wasn't -- is not a good site. It was never one of the ones that was
32 analyzed. So clearly this discussion has occurred. We just never actually did the
33 analysis as to why Rockville versus anywhere else. Improved coordination between
34 Park and Planning and other departments within County development. Again, this is not
35 a new concept. Again, looking at Chairman Hussman's letter, he identifies the fact, that I
36 guess in 2000 the County Executive, in looking at the Rockville core, had raised the
37 notion of looking at co-locating Permitting Services with Park and Planning. In his letter
38 he says that that's an intriguing idea and something that the Planning Board was going
39 to deliberate over further. I don't know if that deliberation ever occurred but clearly in the
40 letter, it gives a sense that this is something that they think is worthwhile and should be
41 explored. So again, another point that I don't think we really addressed yet. Greater
42 accessibility and service, provide service to County government broadly. If we can
43 provide the residents of our County a single place they can go to for all of the land use
44 types of activities as opposed to a series of places a one-stop shop, if you will, is
45 something I think we should probably put on the table for discussion. Because again,

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1 congestion -- transportation isn't getting better. To force people to go to one, two, three
2 different spots. Is that really the way we want to be looking to provide government to our
3 County's residents. Better oversight of the Planning Board. Land use is our primary
4 function. That's what we do as the Council. So when you look at that -- Dr. Hanson had
5 raised this in one of his early memos. Not that the Council should by micromanaging
6 Park and Planning. One of the things he identified was there isn't enough knowledge up
7 here of all of the pieces of what go on in a day-to-day basis in the planning process. As
8 a result, when we have a discussion of looking at legislation or how to make changes
9 we don't necessarily have the breadth or knowledge base to do that as effectively as we
10 probably could. Even in his memo, we indicated that we need to be spending more time
11 at Park and Planning. Well, reality is, if there's that much of a distance, it's going to be
12 difficult for many Councilmembers to do that. If you're in closer proximity, the reality is
13 it's going to be easier to have that type of communication to better understanding the
14 planning process. An opportunity to have an expanded government presence in Silver
15 Spring. Yes. Park and Planning has been "the" government presence, but there's
16 nothing that says it has to be "the" government presence going forward. We know HOC
17 is looking at a place to be. And I think almost twice as many employees that will be
18 located in a Park and Planning headquarters. So you look at actually more employees
19 and you maintain probably the same level of foot traffic, although I've asked that
20 question we haven't seen how many clients that HOC serves relative to Park and
21 Planning. That's kind of a market assessment that I would have hoped in looking at this
22 would have had some understanding as to how we're reaching out to different markets.
23 I'm not sure it was there. The other point that's out is I think now is the time to ask the
24 question because we haven't spent that much money. Yes, we leveraged some private
25 dollars, but if I look at the CIP I think at this point we've only spent \$410,000. I mean,
26 that's what it looks like the expenditure has been. I know there's been a lot of
27 information that we spent millions. But correct me if I'm wrong, but it says -- well, you
28 said one. Others have said millions.

29
30 Derick Berlage,
31 Almost a million, Mr. Mooney can give you the details.

32
33 Councilmember Knapp,
34 But according to the CIP we ever only spent \$410,000.

35
36 Bill Mooney,
37 That's just the money out of the CIP. We all calculate the staff costs and we've had
38 considerable staff hours invested in this project. That's how we get to the million.

39
40 Councilmember Knapp,
41 Okay. Which is a good point, another point that we need to look at, too, is how much
42 staff time and staff cost have we spend having Park and Planning staff getting back and
43 forth from there to here? I think if you look at that. I was just doing some rough "back of
44 the envelope" calculations over the same amount of time we spent this money, I think
45 we will probably have spent or exceeded that amount of money in reimbursing people

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1 for driving back and forth just from what I looked at over that same 4-year period.. Now,
2 we can -- it's probably within \$50,000 in either direction. Mr. Chairman you raised the
3 notion of space. You guys have bad space. I get it. I agree, I've been down enough
4 times. You've got people stuck in places that no one should be sitting. But I thought that
5 three weeks ago we passed a supplemental that actually provided for additional lease
6 space that would address that. I think it was a five-year lease. So we've got that as a
7 piece to begin to ameliorate that. Not that that solves the problem, I don't say that it
8 does. Certainly in the short term was going get you the same type of relief that you
9 would get in either scenario that we studied. I think we've begun to address that. I just
10 wanted to look at a couple. This piece that I continue to be struck by. and Chairman
11 Hussman raises this in his transmittal letter from 2000, as well, that one of the reasons
12 that we don't need to put Park and Planning someplace else is because technology is
13 moving forward so quickly. It's advancing so rapidly. And I guess I was struck by that. In
14 fact, he talks about that -- "The Rockville core is not desirable and not even necessary
15 since new technology, specifically electronic transfer and development, development
16 permit processing, and data transfer will obviate the need for being closer to other
17 government departments. I may have missed that, but I'm not sure that we've got a lot
18 of those pieces in place. Clearly over the course of the last year it would seem to me
19 that the technology has not assisted in our ability to manage the processes as well as
20 we would have liked. Not that we can't. But in six years since that memo came over, we
21 haven't made significant advances in implementing technology to get us to where we
22 need to be. So we may in the next six year, I don't know, but again, we look at how we
23 make things work and work better. Sometimes it just happens that you put people near
24 each other and they have level of communications that, while technology can assist it, it
25 probably can't replace it. I just think that's an important point for us to keep in mind. Just
26 to go through make sure I have got all the other pieces. The on other question that --
27 two more points. Sorry. The other element you raised the concept of a two year delay.
28 I'm not sure where the two years came from relative to six months or why do you expect
29 that there would be a two-year delay if we addressed this?

30
31 Derick Berlage,

32 Any of us -- and many of us have -- who have been through a site selection process
33 understand what that involves. A site selection process relates not only to finding
34 available sites, but it relates to community impacts. It is not something that you do over
35 the weekend. It is something that involves a long extensive process of analysis. You
36 identify sites you need to do geotechnical surveys often. Cost surveys. You need to find
37 out how local communities feel about the issue. Anything that happens in the city of
38 Rockville, needless to say, the city of Rockville has strong opinions about. They would
39 be certainly involved in any such decision making process as well. You are talking about
40 -- we are quite convinced at the very least a two-year delay. We think that other similar
41 types of site selections that have taken place for County government would confirm our
42 feelings on that.

43
44 Councilmember Knapp,

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1 That's just your conjecture as to how long you think the delay would be? There's no
2 specific thing tied up in the process, specifically our RFP or RFQ process.

3
4 Derick Berlage,

5 It's a serious looking at other sites, which is obviously what you intend. Two years is
6 what it's going to take.

7
8 Councilmember Knapp,

9 Okay. The other elements that I think we need to -- that are all out there is the notion of
10 affordable housing. There's nothing -- at least looking at the RFQ that precludes the
11 same general scenario, the same other elements, outside of a Park and Planning
12 headquarters to proceed anyway. And whether or not -- at least if I look at the RFQ
13 right, it doesn't even -- even as you've done for the Request For Qualifications, it doesn't
14 address specific design characteristics, just to what a Park and Planning building would
15 look like. Qualifications are an office building. So you've got someone who can design
16 an office building and can do a mixed use and residential project. So presumably those
17 are the people who responded. Doesn't necessarily tailor it specifically to Park and
18 Planning, it could be "A department or agency" and the rest of that process could
19 continue kind of how you've envision it, I would think.

20
21 Derick Berlage,

22 Correct, but they responded on basis of a certain projected timeline and may not be
23 interested in continuing on the different timeline. I would venture to say one or more
24 would pull out and so we would also be starting over the RFQ process.

25
26 Councilmember Knapp,

27 Okay. I may have a couple more questions. Those are the pieces that lend to why I
28 think we ought to at least be exploring Rockville as a central location and to take this
29 forward. The challenge that I have -- and I appreciate and understand the emotion that
30 this issue has tapped into in the Silver Spring community. I get that, I really do. I do. But
31 that notwithstanding, we're at a point where we need to look at the whole County. Park
32 and Planning is integral to our processes in land use. And how do we, before we make
33 the final decision -- yes, we are almost there. You put the RFQ out there, people have
34 responded with qualifications to that RFQ, but we have not put a bid out for an RFP.
35 We're at a point where effectively we, as the policymaking body can say, relative --
36 given what we know now, relative to what people may have known two or three years
37 ago, should we -- can we look at some of these issues and does it make sense to look
38 at those? I think, given that, we need to. That's the reason for my motion. That's what I
39 proposed. And that's kind of where I stand at this point. Mr. President, I may have a
40 couple more questions as we get further down this discussion.

41
42 Council President Leventhal,

43 Thank you, Mr. Knapp. Mr. Perez.

44
45 Councilmember Perez,

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1 Thank you, Mr. President. I want to start by thanking you for scheduling this this
2 morning. I appreciate your attention to this and your leadership in this. I also want to
3 thank my friends in Silver Spring. I love all the new restaurants and businesses and
4 other amenities coming in, but my conversations over the past week remind me that
5 what I do love the most are the people and the passion that people bring to the issues. I
6 also want to thank my friends in -- at the Bethesda/Chevy Chase community, in
7 particular the BCC Chamber of Commerce who have weighed in on this. I'm looking at
8 an e-mail dated March 23rd from the BCC Chamber of Commerce expressing -- "On
9 behalf of the BCC Chamber, I want to express our opposition to the relocation of the
10 Park and Planning from Silver Spring. Over the past several years considerable time
11 and expense both public and private has already been committed to the new location of
12 this entity as the County Council has tried to be very conscientious and diligent over the
13 past four years regarding expenditures of government funds it is uncharacteristic after
14 years of planning and review of other optional sites and agreeing to the location for the
15 new building to stop midstream and start over with a new site elsewhere." It goes on
16 again to oppose it. This isn't just an issue in Silver Spring, it's an issue for our friends in
17 Bethesda. I appreciate the resolution offered by people in the city of Takoma Park as
18 well. So there is a widespread recognition that this is not a good idea for a number of
19 reasons. I think Chairman Berlage really cut to the chase. I appreciate the presentation
20 you gave this morning, Mr. Chairman. We're really here to revisit a decision that was
21 carefully crafted and considered by previous Council. I received a letter this morning
22 from good friends in the Montgomery Village Foundation asking us not to take a look at
23 this until we've had an opportunity to really consider the options. And I certainly
24 appreciate this letter. I would like to point out to my friends in Montgomery Village that,
25 as Chairman Berlage pointed out, we did take a look at this issue five years ago. We
26 looked at five options, including an option in Shady Grove, including an option in
27 Twinbrook, including options in Wheaton, including options in Silver Springs. After
28 careful consideration, an overwhelming majority of the Council concluded, as Chairman
29 Berlage has pointed out, that this was the best place to put Park and Planning. And so
30 to my good friends in the Montgomery Village Foundation, I would simply point out that
31 we have had a very extensive process that was underway. And when I have
32 conversations with developers, when I have conversations with community members,
33 when I have conversations with all stakeholders on land use decisions, what I hear most
34 frequently is I want certainly, I want predictability, I want clarity, I want inclusion, I want
35 to know what the rules of the game are. I can then appropriately alter my behavior so
36 that we know what the rules of engagement are. We had a very arms length transparent
37 process that led to a decision a number of years ago. Based on that decision we had
38 considerable reliance by private sector entities. We had considerable reliance in Silver
39 Spring. And all of those principles of clarity, regularity, predictability, transparency,
40 inclusion, are frankly undermined with this proposal to move Park and Planning out of
41 Silver Spring. And that is one of the major reasons why I strongly oppose this effort. We
42 make land use decisions for a number of reasons. Obviously, we want to make sure
43 we're in a position to provide the best services to the public. That's a big reason why we
44 look where we should locate County facilities. But we also, as Chairman Berlage has
45 pointed out and others have pointed out as well, we want to use our leverage as a major

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1 employer to spur revitalization efforts. That's why -- government can be an engine of
2 economic development. I'm hoping that government -- the federal government and
3 others -- become a major engine of Wheaton revitalization. I'm hoping we're going to be
4 introducing a number of proposals, not for today's discussion, but for the future, that are
5 going to create incentives for, hopefully, government and other entities to come in. So
6 government can and should and must be a real engine of economic growth. And so
7 when we're making decisions, we need to understand and balance all of those
8 considerations. And that is, it seems to me, is a big way -- or big reason why we did
9 what we did in the decision to locate Park and Planning in downtown Silver Springs. It
10 was the right decision then, and it's the right decision now. And it seems to me that the
11 effort to revisit the decision again is born out of a couple goals. I can certainly
12 understand it. Number one apparently every government service needs to be in
13 Rockville. Or in the core of Rockville. Number two, we cannot exercise effective
14 oversight of our agencies unless they are located effectively in our back yard. Let me
15 visit the second assumption first. I think about all of the agencies that are currently
16 located in Rockville. And they include the Department of Housing and Community
17 Affairs located two or three floors down. We're on seventh floor. So three floors down
18 from here. We have the Department of Permitting Services, not too far away. We have
19 the Montgomery County Public Schools, within a short distance. I would simply look at
20 these and other agencies in the Rockville core and ask the question, are we doing an
21 effective job of oversight of these agencies that are located in the Rockville core? Is
22 there something about their presence in the Rockville core that is enabling us to do
23 more effective oversight? I will simply leave it to you to answer that question. I'm
24 throwing out the possibility that simply location alone is not the key to effective
25 oversight. It's people. It's management systems. It's communication. It's technology.
26 Those are the things that are the keys to effective oversight. I suspect this morning that
27 if it's a typical Tuesday morning at the Discovery Communications, they're probably
28 having a meeting right now with their colleagues in Singapore, exercising effective
29 oversight from downtown Silver Spring across the world. And so technology is an asset
30 in this discussion. And the notion that we haven't invested technology in Park and
31 Planning I would respectfully observe that the entity accountable for the lack of
32 technological investment is the County Council and the County Executive. We haven't
33 invested the money in technology. So for us to say, "Well, Park and Planning, you
34 haven't done the trick on technology." I would respectfully observe that you would be
35 within your rights to say, "No, County Council, you haven't kept up your end of the
36 bargain in terms of making sure that we are technologically in the 21st century."
37 Parenthetically that's an observation that applies to many agencies across County
38 government. That's why we have an infrastructure task force. Because we need to
39 address the technology deficiencies that exist. And so, I really believe that location and
40 co-location is not the panacea that some may make it out to be. I do believe that what
41 we're doing in terms of using the location of Park and Planning and the potential
42 location of the HOC in Wheaton, which is where I hope they'll go. They couldn't be in a
43 more inconvenient location in terms of serving the populations that they serve.
44 Completely transit inaccessible right now. We're gonna be addressing the issue in the
45 near future under Mr. Subin's leadership of where to put an MCPS headquarters

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1 because MCPS, Montgomery College is gonna need that space. Absolutely gonna need
2 that space to meet their growth needs. So we're gonna need a new place for
3 Montgomery County Public School headquarters. And I guess does it have to be in the
4 Rockville core? Well, I would say that that's one consideration we want to keep in mind.
5 But we also want to look at a number of other factors. Not to the exclusion of the first
6 factors. So, I think there are a host of reasons here not to do this. And the most
7 important -- the most frequently asked question I get when I do outreach in Silver
8 Spring. We're having another town hall meeting in three or four weeks. The most
9 frequently asked question I get is, does the Council understand that while Silver Spring
10 has sprung, there are many unwritten chapters in Silver Spring revitalization. And the
11 answer I always give to that question is absolutely! The Council gets it. Council has
12 invested a lot of money. The private sector has invested a lot of money. We will
13 continue to do that. Because we recognize that the entire County benefits when Silver
14 Spring truly springs in every way, shape, and form. I must confess I have gotten a
15 number of calls and e-mails from friends saying, "I remember when you said that. You
16 said it with conviction," and "do you still mean it?" And my answer continues to be yes.
17 But it's a harder sell, frankly, at the moment, because people are wondering, has the
18 Council -- is the Council in the process potentially of turning back the clock on
19 revitalization? I don't believe that's the intent of the sponsors of this. But I do believe
20 that it has fueled a widespread perception that that will be the effect. And given the
21 decisions that have been made at the full Council level, very thoughtful decisions, and
22 given the technology that we can put to bear, we pride ourselves in Montgomery County
23 on being a technological capital of the universe. And the notion that we can't figure out
24 ways to have effective systems of oversight on America's technology highway and the
25 I.T. corridor and biotech corridors. The notion that the only way we can have effective
26 oversight is to bring everyone in one core, I just find that that does not comport with
27 what is done in other governments, what's done in the private sector. I think we can find
28 other ways to do it. Chairman Berlage has outlined a number of proposals to make sure
29 Park and Planning continues to be in every community, regardless of the fact that
30 they're located in downtown Silver Springs. We will support those efforts through our
31 investments in technology through our investment in cable, which, parenthetically again,
32 we have not committed to yet as a Council. We need to put it on the table during this
33 budget process. I think with the combination of technology and all of those other
34 investments. And with sound oversight and sound management and sound
35 communication. That's how we will make sure that Clarksburg doesn't happen again. I
36 don't believe that we have to have everybody in Rockville and build all of our services
37 on one site and one point in Shady Grove in order to meet those needs. So, I
38 appreciate, Mr. Leventhal, your leadership on this. I appreciate the opportunity to talk
39 about it today. I want to thank the community again for their efforts. Not only the Silver
40 Spring community, but other communities that have weighed in and said that we should
41 stick with the decision we made. We should not penalize the entities that have relied on
42 it. And we should move forward, sending a clear signal to downtown Silver Spring that
43 we want to be -- we, government, want to be a big part of the revitalization efforts. So,
44 thank you, Mr. President, for your leadership.

45



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1 Council President Leventhal,
2 Mr. Subin.

3
4 Councilmember Subin,
5 Thank you, Mr. Chairman, I kind of rue the day when I have to watch you or us at 3:00
6 in the morning.

7
8 [LAUGHTER]

9
10 Derick Berlage,
11 It's better than Sominex!

12
13 Councilmember Subin,
14 Would be a very dark day. Yeah, it would...would be cheaper than Tylenol PM. When
15 we discussed this a week ago, I kind of hearken back to four, six years ago when this
16 first came up and felt that the decision then to keep the Planning Commission in Silver
17 Spring was clearly the right one. A number of circumstances since then have changed.
18 And were we to "de novo" revisit the decision today and the consideration, I think that
19 the debate would last far longer and be more inclusive to everybody's great satisfaction,
20 I think that issues facing Silver Spring four and six years ago were far different than they
21 are today. And much has worked so some of the considerations would not have been
22 there. But we're not beginning the decision "de novo" today. We're very far down the
23 road that has us making that decision and beginning that project. And I do believe that
24 we need to respect prior decisions far more than we are prone to do. Finality is a word
25 they use across the street in the courthouse. Finality is not a concept that we have any
26 idea of up here. I believe this decision would be far too disruptive to the process of the
27 relocation of the Planning Commission headquarters, and more importantly, I think at
28 this point in time far too disruptive to the workforce there. I think we need to respect
29 both that process and the hard-working group of people. I heard something out of the
30 Chairman today that I think if this motion does not pass, that part of the sense of the
31 motion will have been satisfied. I haven't heard this before. That was the issue of the
32 satellite locations. I think that that is a fantastic idea. To have satellite locations with
33 planners, to have satellite locations with master plans, to have access to the system so
34 that people don't have to go from Clarksburg to Silver Spring, or from Germantown to
35 Silver Spring. I think that that is a fantastic idea. On the issue of consolidation, this is a
36 government agency. This is not a private sector entity that does need to be looking for
37 certain efficiencies across the board. Government is supposed to be accessible. And to
38 have everybody in one place to say that everybody is in one place I think overlooks the
39 issue of the people who need access, or people who are working all day, people who
40 need quick access to these services. So I think the satellite notion here, as opposed to
41 a private sector, locating all its folks in one place in downtown Silver Spring. Those are
42 far different issues. And I think that Chairman Berlage has hit upon a great idea. And I
43 think it's really the compromise between maybe what should have been in the eyes of
44 some and what is. And given technology, given that need for access, I think that is a far
45 better path to take than stopping this process in its tracks, relooking at it, and possibly

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1 starting all over again. This suggestion meets all the needs we need to be looking at
2 right now. So I will vote against the motion.

3
4 Council President Leventhal,
5 Ms. Floreen?

6
7 Councilmember Floreen,

8 Thank you. I think this has been a very good conversation. Back -- way back when and
9 the Commission needed new building since at least 1990. And the fact that it hasn't
10 gone anywhere in this time is a statement to what, I don't know. But I know, as much as
11 all of you at the dais -- the table in front of us know your problems there. I think I'd like to
12 follow-up on Mr. Subin's comment. What we heard today for the first time in my
13 experience the idea of some satellite presence for the Commission. I don't know if the
14 Board has discussed that. I don't know if there's any -- I suspect this is a relatively new
15 concept, but I do think that it addresses some of the issues that we're confronting. I
16 don't think accessibility is solved by digitizing everything. I don't think that the world at
17 large feels that we're all that much more accessible because they can watch us on
18 cable right now, or they can send us an e-mail. What they need, especially -- particularly
19 in planning and development kinds of issues, is face-to-face contact with the people
20 who are explaining the rules and who are implementing them. The Planning Board
21 experience is part of that. It's a small part of the reality of a community connection with
22 the planning process. And I think if we can look at some additional sites for planners to
23 be located, if we can look frankly at some co-location of your folks with the Permitting
24 people because there's a lot of rubber meeting the road these days, in terms of the
25 coordination of approval process, of the inspection process, and of the decision-making
26 process at the staff level, we will have achieved a great deal. I think that this has been
27 blown out of proportion for the Silver Spring community. I do appreciate the advocates
28 out there. This isn't about government pulling out of Silver Spring. Government's gonna
29 stay there. This project is gonna go forward. The only question is how do we best
30 situate the Park and Planning program so it really is a community presence throughout,
31 so that it really is easier for people from Clarksburg to come all the way down and talk to
32 decision-makers and get home again before the next day. And it really is about working
33 together in an environment that has a lot greater scrutiny than it's been subject to in the
34 past, I think. We all -- surely with the number of PHED Committee meetings we have --
35 we know how much time your staff is involved in shuttling up here on a two to three
36 times a week basis. That takes time out of work product, it takes time out of
37 accessibility, and it's wearing on people. I think we need to look at a better mouse trap
38 for our interactions generally speaking. This is not gonna be the Planning agency that it
39 started out being. You already have Parks people everywhere in the County. And your
40 staff can connect digitally. Just as well as you can connect with the community at large.
41 So I think we need to revisit perhaps some of the assumptions about how staff
42 coordination is going to proceed and how Park and Planning is going to continue to be a
43 presence in a changing community. And that means, well maybe we won't have the
44 same criteria for where staff needs to be in the future. We need to work with the County
45 government agencies that you're developing plans for and get them greater -- more

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1 committed. We have a major implementation program pending for Shady Grove and
2 that is gonna be like moving the earth if your plans are going to be implemented. That's
3 only going to happen with face-to-face contact and lot of talk that is not just via e-mail
4 and not just via cell phone, but in person. So I think, I would like to hear from the
5 Chairman some more about this satellite concept. Mr. Berlage, what's your thinking
6 there?

7
8 Derick Berlage,

9 Well, let me talk first about what we have already achieved. Secondly about what we
10 are already fully committed to achieving. And the third category, new ideas we liked to
11 explore. Currently if you check the Park and Planning website, you will see we have
12 tremendously enhanced access to many of our most basic documents and decisions
13 already. You can get all the master plans online. You can get the staff reports online 10
14 days before the Planning Board's hearings. All of those reports are archived so you can
15 go back and see what was there last year or last month. And we now have in place the
16 beginnings of the public's ability to access development review applications. You can
17 now go online and get basic information about every single pending development
18 review application. That is new, that is one of the lessons -- outgrowths of the lessons
19 learned from Clarksburg. Over time, we will commit to you being able to get access, not
20 just to the basic information, but everything having to do with that application. So there
21 are many, many more technological improvements of that kind that are in the works.
22 The Planning Board is committed -- the Planning Board has held hearings on high
23 profile items outside Silver Springs in the past and we are -- most recently Clarksburg --
24 and we are committed to doing that and increasing our occasions on which we do that.
25 We have asked for and would renew our request for the dollars to allow us to
26 "cablecast" our meetings. We do think there's a significant difference between hearing a
27 meeting and seeing it and that is something that we are committed to if we can get the
28 funding. And you all control that. In terms of future ideas to be explored. Satellite
29 planners in the regional service centers were -- in other locations certainly is something
30 we'd like to explore. Co-location of our staff with DPS is something that we would like to
31 explore. Placing -- because some of the documents that we produce are not things that
32 you can easily download on your home computer. We do think that there may be a need
33 for computer terminals in selected locations and printers where people can get large
34 plans and large maps. Those are all things that we are ready to explore. We think that
35 the logical time to do that is when we finish the RFP process, which is about to begin,
36 and we actually have selected the final developer who will build the public/private
37 partnership. At that moment in time, we will of course be engaged with that builder in a
38 very detailed discussion of all the particular specifications having to do with our building.
39 Exactly how many people, where are they going, what kind of technology do they need,
40 where will that technology be located in the building? It's part of that discussion that
41 logically we as the Planning Board and you as the funding agency and oversight agency
42 would make decisions about what portions of things that now occur in Silver Spring
43 could be located elsewhere. That is a decision that should be made, but I agree should
44 be made over the couple of years. There will be funding implications, but none of that
45 have foreclosed at the time.

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1
2 Councilmember Floreen,
3 I'm troubled by that "next couple years" line. I'd like to hear -- ask that the Planning
4 Board -- if you mean it...

5
6 Derick Berlage,
7 We do.

8
9 Councilmember Floreen,
10 ...because it's obviously important to some of us at least, we'd like you to take that back
11 to the Board and bring us your recommendations about how that could best be
12 accomplished after -- maybe this summer, after the budget is completed.

13
14 Derick Berlage,
15 Some of my colleagues would like to...

16
17 Wendy Perdue,
18 I would just observe that -- I think the observation about the next couple of years is, to
19 the extent it turns on significant capital expenditures, that obviously can't be done
20 immediately. However, I do believe that the Board has, in fact, met in other locations
21 and we have, in fact, discussed doing more of that. That does not turn on -- that does
22 not -- excuse me...

23
24 Councilmember Floreen,
25 The Board can meet anywhere, anytime.

26
27 Wendy Perdue,
28 ...so we have that. The Board has discussed -- has already begun discussions about
29 co-location. We don't have anything -- we haven't made specific plans, but that's
30 something that we have discussed. As we proceed with master plans it may be possible
31 to program and budget for satellite offices as a part of that. That doesn't necessarily
32 have to await completion of planning with respect to the new building. So there are
33 some things that are tied into the new building, there are other things that are not and I
34 believe can -- we can go forward with on a much shorter time frame.

35
36 Councilmember Floreen,
37 Well, I think -- if this is a statement of intent that has some legs to it I think I'd like the
38 board, if you could to sit down and discuss it and identify some areas where this can be
39 addressed. Where's there's other government space obviously it's not a capital issue. It
40 depends. And if we're all thinking that way we might be able to work together to find
41 some solutions that address this issue of face-to-face accessibility. As I said the Board
42 has always had the ability to meet in other places. It's inconvenient, it's not easy for all
43 the technical resources, I appreciate that, but you can do it under the right
44 circumstances. But more important, I think, is access to staff on a predictable basis. And
45 if you can bring us back some identification of the kinds of resources that you think

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1 might work -- might be able to function in a satellite environment that would get us on
2 the way to thinking about it as we look at the facilities and functions generally. I would
3 ask to you bring something back to us in the next couple of months. Okay, thank you.

4
5 Derick Berlage,
6 We'll do that.

7
8 Council President Leventhal,
9 Mr. Silverman.

10
11 Councilmember Silverman,

12 Thank you, Mr. President. I want to echo the comments of my District Councilmember
13 Mr. Perez, but I will take less time. I am an at-large member of the Council, so I care
14 about everybody countywide and I care about the folks in the Upcounty, Mr. Knapp,
15 because I represent them like you do, and I can appreciate the concern and questions
16 that have been raised for years about the location of government offices. Having said
17 that, let's be crystal clear Silver Spring's revitalization is not done. It's 368 acres. It's
18 bigger than Bethesda, Rockville, and Wheaton combined. I think Bill Mooney told me
19 that years and years ago. And while we can talk about the pros and cons of this from
20 the standpoint of where the population in the County and how round the trip is from
21 point "A" to point "B." First of all, that would be true of any -- where a government facility
22 that is unique in the County. And, second of all, it blows right past the fundamental
23 reason why the previous Council and this Council for three years running has supported
24 the endeavor, which is this is not just a building for Park and Planning. It's part of the
25 continuing revitalization of downtown Silver Spring, something that benefits all
26 taxpayers no matter where you live in the County. I said last week and I will say it again
27 that this, if we were to vote to continue studying this, we send two very bad signals.
28 Number one, paralysis by analysis. This decision was made before this Council, it's
29 been supported in the Capital Budget for three years in a row. The time for study is
30 over, the time for decisive action is upon us. Secondly, we will send a very, very bad
31 signal to the private sector in terms of our commitment to public/private partnerships in
32 this County if we can tell the private sector, "Guess what, we're going to put an RFP out,
33 we're going to make you spend tens of thousands of dollars, if not more, to respond to
34 it, and then oops, at the last minute, we're going to pull the plug out from under you, not
35 because we didn't think your design was good or your team was not a good team, but,
36 in fact, because the County Council, which had been sending us off on our merry way to
37 do this and encouraging everybody to apply, pulled the rug out at the last minute." I
38 think those two things are important to focus on. Finally, with regard to, you know,
39 access and satellite offices, et cetera, et cetera, there is nothing that prevents, in my
40 view, the Planning Board from reaching out, conducting meetings in the Upcounty or
41 anywhere else. We do town hall meetings, the Council does all over the County. And,
42 number two, my recollection is in 1999 during the debate and discussion about the
43 Soccerplex, you had a meeting of the Planning Board in the Upcounty. I think it was at
44 Kingsview Middle. A public hearing to hear from folks and to provide them the most
45 direct access. To me, some of those pieces are just as important as wherever your

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1 building happens to be located. For the person who is knee-deep in a subdivision plan
2 and wants to be in your offices every day or every other day, Yup, it's going to be
3 inconvenient if all the documents and all the people are in Silver Spring, but the reality is
4 most of the interaction that the County, I believe, has the County citizens have issues,
5 tends to be your public hearings, and to some extent your work sessions, and I would
6 like to think that there is a way to create more opportunities for you to have those public
7 hearings in places where the people who are most affected by the decision reside.
8 Which is, which is what I think all of us, particularly those at-large members of the
9 Council, would like to see happen. So, I am going to oppose the motion and at the same
10 time encourage you to continue to look at how you will be able to continue to reach out
11 to folks countywide. Thank you very much.

12
13 Council President Leventhal,
14 Ms. Praisner.

15
16 Councilmember Praisner,

17 Well, I spoke against the motion last week and I will again today. Outreach and access
18 as far as I'm concerned for government is a state of mind, more than it is a physical
19 location. And in this County, we have many centers of activity and there is a value in
20 visiting centers that you don't frequently go to periodically. When I was Area Vice
21 President for Montgomery County Council of PTAs, the area they served went from the
22 University Boulevard area up through Farquhar and into then what was a very rural
23 area. It was important for the community members who physically live in the University
24 Boulevard area to appreciate and understand the challenges of children who went to
25 school at Farquhar where the winding road and no sidewalks was a totally different
26 experience. We tend to mourn more this day, live in our rigid little worlds -- little being
27 pejorative, probably, -- and to assume that everyone else has something a heck of a lot
28 better and to assume that everyone else's problems is not comparable, even though
29 they're different. Anything that exposes our community to other centers of activity is not
30 bad in my view. And as I said, and as my colleagues have said even more eloquently,
31 the whole issue of Silver Spring is an investment for us all. As a Councilmember who
32 doesn't physically represent downtown Silver Spring, I have, over the years, very
33 strongly stated to my constituents that Silver Spring is our downtown. So, its economic
34 viability, and viability over the long run which is not there yet. We keep talking about the
35 whole and the doughnut and the breadth of the geography that is downtown Silver
36 Spring. Involves a commitment from private sector and from public sector as well. And
37 the decision was made that the major commitment, publicly, over the long-run s the
38 presence of Park and Planning remaining in Silver Spring. That hasn't changed and it
39 shouldn't change. I'm happy to hear my colleagues have now latched on to the issue of
40 satellites or regional offices. The Management and Fiscal Policy Committee deals with
41 that every day, with people like Gary Stith and Natalie Cantor and Cathy Matthews and
42 Anise Brown and others who, in essence, run our government centers in a satellite
43 concept. And we can certainly look at expanding and we have discussed in MFP the
44 functions and expanding the access. It's not necessarily a person. It's, again, a state of
45 mind and the access, whether it's through technology or it's through some periodic

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1 hours of presence in a general swing space or a physical presence. I am a little anxious
2 to say the least about thinking that we can take our planners away from the regulatory
3 part of Park and Planning and putting them in some special office away. The problem
4 we have now at Park and Planning in my view is a lack of integration of planning and
5 regulatory roles. And so moving that away will divide what I think we need to bring
6 together. That said, there is no reason why a whole variety of functions can't have
7 access in some way through interaction or scheduling some time or through accessing
8 the functions that are necessary, not necessarily constantly accessing the person in the
9 physical location. I love the idea of more cable broadcast money and we have been
10 working in the Management and Fiscal Policy Committee on that issue of broadening
11 the access. In fact, it was my encouragement that Park and Planning be televised more
12 often. Unfortunately, today legislation is being introduced on Capitol Hill that will remove
13 and eliminate some of the regulatory authority and capacity of local governments on
14 cable. And that access will potentially restrict some of the revenue that we may have.
15 But I think we need to look at those issues and continue to strengthen and fight for
16 public education and government channels because they are even more critical from a
17 standpoint of presence. We have had conversations in MFP about the Rockville core
18 and the questions about the three major buildings in this core, this Council Office
19 Building, the Executive Office Building, and the Judicial Center. And the needs that are
20 going to have to be focused, the attention that is going to have to be focused on these
21 three buildings and the other buildings -- I hesitate to call them satellites -- but the other
22 government buildings that are at the edges of the core or within the core, and over the
23 next few years, we will have to look at these buildings in major ways, even though the
24 Council at this point is being told by the Committee that we recommend deferring the
25 actions on our third-floor hearing room until we can look comprehensively at the building
26 and the functions within here. I think co-locating or having some shared interaction on a
27 broader basis between Permitting Services and Park and Planning staff has already
28 been mentioned by MFP as something that needs to be looked at. Mr. Mooney, having
29 been involved in the core discussions and wearing another hat, knows very well about
30 the issues that we need to grapple within the next few years that I think will provide an
31 opportunity for more space and more availability. The only other comment I would make
32 to my colleagues is those technology requests have been in front of the Council multiple
33 times for multiple agencies, not just Park and Planning. Infrastructure -- technology
34 infrastructure has been slovenly and inadequately funded by the government and
35 inadequately proposed by the County Executive for many years. We're playing catch up
36 and there is a lot that needs to be done. Hopefully, maybe even the Council will
37 consider again my motion that did not receive a second for \$87,000 for Park and
38 Planning's security of its technology systems. If you want them to access it, then you've
39 got to make sure that folks can feel comfortable that the communication systems are
40 secure. In this budget discussion, we will have lots of opportunities, I suspect, to put the
41 money where he the mouth is. Thank you.

42
43 Council President Leventhal,
44 Mr. Knapp.
45

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1 Meredith Wellington,
2 Excuse me, Mr. President. I have to leave. I want to apologize and say that this
3 discussion has just been so invaluable. I came here to express my support on behalf of
4 the part of the Commission for Silver Point.

5
6 Council President Leventhal,
7 Thank you for being here, Commissioner Wellington, we appreciate it. Mr. Knapp.

8
9 Councilmember Knapp,
10 Thank you, Mr. President. For those of you in the back row, and I see the folks at the
11 table counting, the numbers are going against me right this second.

12
13 [LAUGHTER]

14
15 Councilmember Silverman,
16 Are you filibustering?

17
18 Councilmember Knapp,
19 No, no! So I was going to say I will be mercifully brief. There are a couple of points I
20 wanted to raise. I appreciate the Council's deliberation of this, the point, the reason I
21 raised this in the first place to make sure we have a full consideration what have I think
22 is a significant budget item. A couple of points, though, they think are important to get
23 on the table. While we did an assessment that took place in 2000, I think if anyone looks
24 at the assessment with any degree of rigor, it's -- you will find it somewhat lacking. In
25 fact, I found the assessment to have a color-coded chart of which site we liked best and
26 apparently dark blue was the best but there is actually no supporting data that really
27 justifies how you get to any of the blue or light blue bars. It's the stuff that looks like we
28 wanted to get to whatever we wanted to get to. So people may think we did a full
29 analysis, there was not a whole bunch of rigor to the analysis presented to the Council
30 six years ago. And the biggest overriding factor that I could ascertain was Park and
31 Planning was already in Silver Spring, therefore, it was the best site. Which leaves a
32 little bit to be desired in the logic used. Nevertheless, I appreciate the Planning Board
33 Chair's recognition of the commitment to technologies and satellites. In fact, I would ask
34 that in an ideal world for consideration as a part of this budget, that we could have
35 something as a part of the separate PDF or as something for the operating budget that
36 we have a strategy that could run parallel to the Silver Place development so that we
37 could look at that and see how those technologies are actually going to be utilized in
38 parallel, so as we develop here, we're developing the infrastructure outside of Silver
39 Spring at the same time so that we have that happening. I mean, in an ideal world
40 before we -- before we deliberate on the rest of the budget but at the very least
41 sometime in early that next month.

42
43 Derick Berlage,
44 We would be delighted. We can start with requests that we have already made and that
45 were not funded and we can talk about new ones.

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Councilmember Knapp,
Okay.

Councilmember Subin,
Mr. Chairman, if the Commission is prepared to do that for this budget, I'll withdraw my second.

Councilmember Knapp,
I was going to get to a point -- I will, that's coming next. Just a couple of points and this is, and Ms. Praisner, I think, identified this well. The use of technology for the sake of use of technology only gets you just so far. You can't just do technology and say we have technology therefore we've done outreach. You have to have technology that people need and can work with. And I think that's important from a customer service perspective. I am hopeful that as Park and Planning looks at how you do this, we don't say, "See, we put it on the website and we can access it." But we talk to users and groups in the community to have some sense to how they use that data and information so it's put together in a way readily accessible in a way the user uses it. Not just so we can say it's on a site.

Derick Berlage,
If I could, because I don't want to be misunderstood. We're not simply investing in technology so we can say we're investing in technology. The Planning Board and all of our staff are engaged in a top-to-bottom review of how we can be more transparent to the public, get more access, get more involvement and public input on every decision we make from playground equipment to the most transformational master plan. We are focused as a major item of work for ourselves to enhance transparency. Everything we have talked about today is part of that. It goes beyond that. This is part of that initiative, and I can assure you the Planning Board won't will not only be talking to you about that in the context of this budget but for many budgets into the future. because it's a long-term goal, but one that we're absolutely committed to achieving.

Councilmember Knapp,
The other part that Ms. Praisner raised that I wholeheartedly agree with is the notion that it's -- you actually have to get out and do things and we have to get County government, be it at Park and Planning, to Permitting Services, to get out and do things with each other. What was abundantly clear in our discussions of the last 18 months are when you can put three different departments or agencies in front of us with roughly the same responsibility and it's obvious that none of them had conversations with each other, that's very problematic. And can technology solve that problem? It could. But as we heard, we haven't made those types of investments yet nor have we necessarily changed all the [INAUDIBLE] pieces to get that done. At the very -- at the end of the day, sometimes the simplest way to do it is the old-style way, which is getting people near each other and having conversations. That's not the best way to do it but the best way to get the job done. I want to make that observation. I appreciate everyone's

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1 consideration of this. I think that there are good points and recognizing where things
2 look right now. I would withdraw the motion that I had submitted last week and I
3 appreciate everyone's deliberation.

4
5 Unidentified Speaker,
6 Here, here.

7
8 Council President Leventhal,

9 Well, it's in order for the sponsor to withdraw his motion. I wanted to just make a couple
10 of points here to close this item on the agenda. Colleagues, it's time to stop beating up
11 on the Park and Planning Commission. We are aggravating the problem. There are
12 problems there. We have heard a lot about the lessons of Clarksburg. We all spoke
13 about the lessons of Clarksburg. You can use the lessons to justify this motion or can
14 you use the lessons of Clarksburg to argue against this motion, but I want to tell you
15 now I don't believe the problem at Park and Planning is that Councilmembers are
16 spending too little time in that building. And I don't think that having more
17 Councilmembers spending more time in that building would actually improve the
18 situation there. So, we have serious issues with respect to the Park and Planning
19 Commission that we are working to resolve, there continue to be major decisions facing
20 this body regarding Park and Planning, but the morale of the staff, the amount of time
21 spent by senior management hauling themselves up to Rockville once a week for
22 Council meetings and every other week for a PHED Committee meetings, in and of
23 itself, is not productive. So, it's long past time to let Park and Planning implement the
24 reforms that we have asked it to adopt. I believe the subtext of this motion was further
25 beating up on this important agency and it certainly has had a demoralizing effect on the
26 employees. It's time to move beyond that. I want to recognize those from the Silver
27 Spring Chamber of Commerce who are here, the Chair Carmen Camacho, the
28 Executive Director Jane Redicker. And I want to say about this motion, last year when
29 there was a debate about the structure of this Council, and questions were raised about
30 whether at-large members or district members were more appropriately responsive to
31 constituents, all of us assured all of our constituents that none of us were parochial.
32 That all nine of us cared about everyone in this County. I was concerned about this
33 motion from the start because I don't think it's productive for a Councilmember on behalf
34 of one part of the County to disrupt another part of the County. I don't think Mr. Perez
35 would propose moving the Soccerplex to Wheaton, much as there are many soccer
36 players in Wheaton who would benefit from having that facility located there. Let us
37 consider the effect on our colleagues and let us consider the effect on each part of the
38 County of the things we propose. Regarding this proposal for a satellite office, if the
39 Planning Board wants to send us a new budget item, we'll look at it. There is a range of
40 serves provided in Silver Spring and I'm not sure how every single one of those could
41 be replicated at a remote site without, in fact, moving from Silver Spring. So let me say
42 right now, I will have to look at this proposal and not guaranteeing my vote for a satellite
43 office proposal until I understand exactly what it consists of and I am not certain there
44 are five votes here for a satellite office proposal. And finally, I know that the residents of
45 Clarksburg had to make a 50-mile round trip visit every time they drove to Silver Spring.

31

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1 That's significant. I make that trip frequently. I am an at-large number and I travel from
2 my home, right near Park and Planning, to Clarksburg and Damascus, and I put a lot of
3 miles on the car, and that is partially why I decided to do it on motorcycle. It's a lot more
4 fun.

5
6 [LAUGHTER]

7
8 Council President Leventhal,

9 But I want to say that those activists should not have had to spend so much time in
10 Silver Spring. They should have been able to accomplish their work online and over the
11 telephone. We know, again, the lessons of Clarksburg, that it was a failure of the
12 process. They made the judgment that they had to spend so much time there and we
13 have read their request from mileage reimbursement, we know how many miles they
14 put on their car, we have that documented. And I also agree with Ms. Praisner's point
15 there is value in residents in each part of the County, spending time in each part of the
16 County. I live way Downcounty. I live less than a block from the District of Columbia line.
17 you can't get more Downcounty than me. And I wish that my neighbors would take time
18 to visit the Ag Reserve because very few of them are familiar with it or appreciate what
19 an extraordinary resource it is. I wish some of my neighbors who are so opposed to the
20 Intercounty Connector would drive from Baltimore to Rockville sometime and see how
21 easy it is, since they rarely need to do that. I wish that residents of each part of the
22 County and I wish that Councilmembers from each part of the County would consider
23 this County as a whole and think about the needs of all parts of the County, and I think
24 this motion which, I am delighted has been withdrawn now, was not consistent with that
25 principle. Mr. Subin.

26
27 Councilmember Subin,

28 Well, I am going to take the President's statements as a personal attack on the
29 representative to District 2. I think it would help, Mr. President, if people would look at
30 the history of issues before they comment out of context. This is an issue that has been
31 discussed for at least 20 years. People have discussed moving Park and Planning up to
32 Rockville and the possibility of doing that for at least 20 years. It's not motivated by one
33 Councilmember trying to stir trouble up. It's not motivated by the Councilmember trying
34 to make amends for a mistake that was made deeper than the bowels of an
35 organization, if, in fact, that is what happened. It was an attempt by the representatives
36 from District 2 to see if there was a more efficient way to maintain relations between
37 Park and Planning and other sectors of the government. And it seems to me that the
38 Chairman of the Planning Commission came up with a perfect solution to that issue. If,
39 in fact, that ends up being the will of the castle to do it that way. Suggestions are made
40 here. None of us is infallible. None of us is on a mission and none of us knows -- excuse
41 me?

42
43 Council President Leventhal,
44 You have the floor, Mr. Subin.



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1 Councilmember Subin,
2 These are also directed at you, Mr. President, are you going to listen or not?

3
4 Council President Leventhal,
5 You have the floor, Mr. Subin.

6
7 Councilmember Subin,
8 None of us is all-seeing. Any one of us could sit up here, especially those of us who
9 have been here for 20 years and said you know this should be a satellite office, but we
10 didn't. And the Councilmember from District 2 turned the switch which got people to
11 thinking that maybe there is a better way to do it. And it seems it's what was before us
12 worked. And then to turn around and criticize his motives, when none of us have been
13 designated LCSW, psychiatrist, or anything else to be able to get into the minds of
14 others is not correct. It's not the proper thing to be doing up here. And after over an hour
15 of having a debate which went to the merits of the proposal, it's just improper to have
16 done that. And I believe the Councilmember from District 2 is owed an apology.

17
18 Council President Leventhal,
19 Mr. Knapp.

20
21 Councilmember Knapp,
22 Thank you, Mr. Subin, thank you, Mr. President. I guess I must say I'm a little taken
23 aback at the Council President's remarks. In the last two years, I have done nothing
24 other than to work to address the issues we have identified in Clarksburg as it relates to
25 Park and Planning's involvement, Permitting Services involvement. In fact, I think I am
26 on record in the press going after the Executive branch probably more than Park and
27 Planning during the course of the last two years because I think of the lack of
28 responsiveness there. To somehow suggest after having walked through the outline
29 they did, looking at the studies and the assessments and the analysis was undertaken,
30 there RFQ that was published and the issues I raised that somehow that was a thinly-
31 veiled attempt to attack a department or agency, I'm dumbstruck. And why the Council
32 President in his capacity feels to make that type of implication is appropriate, I don't
33 understand. If asking questions and doing our job before we make significant
34 expenditure discussions and decisions is inappropriate, then I guess I would question
35 what we're doing here. And I would respectfully submit, Mr. Leventhal, when you
36 compare yourselves to the residents of Clarksburg or any other community in the role
37 that I played and the efforts they undertook, I would submit that you chose to be
38 elected, they're residents trying to make sure they have good communities. Yes, you
39 travel lots of places, I travel lots of places. We raised our hands and put our name on
40 the ballot. None of them did, be they Clarksburg, Silver Spring, Takoma Park, Olney, it
41 doesn't make a difference.. They're doing it because they care about the community
42 and that's the role they have chosen to try to work for. The issues they ran into were the
43 day-to-day decisions and day-to-day activities that occurred, not things they could see
44 on TV, not things they could get online. While I appreciate the comparison you have
45 drawn, I think it's inappropriate.

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1
2 Council President Leventhal,
3 Okay, the motion has been withdrawn. The Council now turns to discussion on a special
4 appropriation to the Montgomery County Schools, FY '06 Capital Budget and
5 amendment through the FY '05-2010 CIP program. The supplemental request was for
6 \$3.3 million for the Seven Locks Elementary School replacement. I believe we have
7 discussion of the Education Committee's recent meeting and suggestions in this area.
8 Chairman Subin.

9
10 Multiple Speakers,
11 [INAUDIBLE] They can wait. Oh, my God, I have... [INAUDIBLE]

12
13 Councilmember Subin,
14 For those folks watching on TV, we're waiting for the school staff and Board members to
15 be able to get to the table. Block our view.

16
17 Councilmember Silverman,
18 Thanks, Dick.

19
20 Councilmember Subin,
21 Thanks, Dick.

22
23 [LAUGHTER]

24
25 Multiple Speakers,
26 [INAUDIBLE]

27
28 Councilmember Silverman,
29 No, it's all right.

30
31 Councilmember Subin,
32 Welcome Dr. Weast, Vice President Cox. Did you have any comments before we -- I'm
33 not sure that we need to review any of the history of this project unless anyone has any
34 questions on that, I'll go right into the Committee packet and the issues that the
35 Committee went over last week. Page 2 of the packet staff has put in projections of
36 cluster enrollment up through the year 2020. And with the fixes that are in place to
37 address overcrowding in the Churchill Cluster we will go from 103.3% of capacity in
38 Fiscal '08 to a projected 96% in Fiscal 2020. Currently overutilization exists at Bells Mill,
39 Wayside, and Potomac. The other schools in the area are somewhat underutilized. The
40 implementation of full-day kindergarten, whether it's in August of '07 or August of '08 --
41 August of '06, or August of '07 will exacerbate the issue at Bells Mill, Wayside, and
42 Potomac. To address the capacity issues, among other things, the School System has
43 put in the modernization and additions to Seven Locks, the Bells Mill modernization and
44 addition, and an eight-classroom edition at Wayside. The facilities -- elementary
45 facilities in the Churchill Cluster are aging and there's a somewhat heavier

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1 representation of aging schools in that cluster than in most of the other clusters. In the
2 next six-year CIP, the '07 to '12, we're looking at Bells Mill, which is supposed to reopen
3 August, 2010, to be modernized, Beverly Farms to be modernized and reopened in
4 2013, and Seven Locks, right now, it's scheduled to go to Kendale in August '07. About
5 a week and a half or two weeks ago, a document was released that was signed by the
6 Council President, the Superintendent, the School Board President, and Chair of the Ed
7 Committee stating there was their intent and hope that we could form a task force made
8 up of School Board, school assistance staff, Council staff, and staff from
9 Councilmember Denis', the Council President's office, and my office to look at all of the
10 options that were available regarding Seven Locks and what to do there in terms of
11 replacement school or a modernization. And, in addition, the task force to date has
12 come up with a number of options that are enumerated on page 3 of the packet and
13 range, theoretically, from staying with the approved project on the current site to closing
14 a school in the cluster, given the schedule of modernization and additions, and
15 redistributing the youngsters in that school and redrawing boundaries. The Committee
16 looked at the options and considered them and it was the sense of the Committee after
17 looking at two issues -- which I will go into -- and it's now the recommendation was
18 Committee that the process should be that the task force should complete its work,
19 send its recommendation or recommendations as to options to the School Board, have
20 the School Board make a recommendation as to the task force's choices or choice and
21 recommendation, and send that back to the Council in time to be considered by the
22 Council prior to reconciliation in May and allow the community have that decision for the
23 '07 to 12 budget. The issue came up and probably from a process standpoint, the most
24 difficult piece to address in that was the issue of public participation in that process and
25 the ability to have public hearings held by both the School Board and the Council prior
26 to the final decision being made. We had a discussion with staff and it's the sense of the
27 staff and also the sense of the school staff that we could if we started the advertising as
28 soon as the Council finishes its work on this packet this morning to begin the
29 advertisements and notifications for the public hearings so that we could meet all the
30 legal obligations to do that and have it back in time for the Committee to meet and to
31 make a recommendation to the full Council so that could be considered in the final
32 reconciliation projects. As staff points out at the end of the packet, on page 5, it was
33 also discussion about the possibility of putting in a generic PDF that would state that the
34 final details would be forthcoming, but, in fact, would be a place for the dollars and that
35 as soon as possible, we would come back and make those decisions. The staff points
36 out that there is a PDF and right now the vehicle would simply be to amend the PDF if
37 the ultimate decision is other than what the Council decided last year and appropriated
38 the money for this year and upon which the contract has already been let.
39 Councilmember Denis brought up two issues. One was that first surfaced in our latest
40 public hearing and, I believe, came out of the Whitman Cluster and the testimony of the
41 Whitman Cluster president that Whitman was not supposed to be a part of this and
42 questioned why Carderock was put into the mix and Councilmember Denis' motion that
43 the issue should be taken off the table. Mr. Knapp and I both felt that there were two
44 issues that we needed to consider. The first was this is a boundary issue and the
45 Council, to my knowledge, at least, has not gotten into any boundary issues. And most

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1 Councilmembers, if not all Councilmembers, have looked at boundary issues as one of
2 the only things that we will not get into either as an institution or as individuals. And so it
3 should not be taken off the table. Number two was the issue that the spirit of the intent,
4 as I saw it, of the initial document was that the task force would be allowed to do its
5 work unhindered by any decisions by the School Board or of the Council. And this was
6 an issue that they put on the table. However, at the end of the discussion, Mr. Knapp
7 and I felt and Mr. Denis joined us in saying it was a sense of the Committee that the
8 Whitman Cluster was not to be a part of it. That issue was a Churchill Cluster solution
9 and would not involve any other schools. And that we could send that message, which
10 was proper, that, you know, it's our sense. It was the Committee's sense and if it ends
11 up being the sense of the Council, we could do that without crossing any institutional
12 boundaries as to who makes what policy. The second issue was the issue of taking the
13 Kendale site off the table. The discussion in terms of the task force and its options were
14 the same. There was a further discussion there in terms of, "Wait a minute, no matter
15 what happens here, theoretically -- theoretically -- it would be within the purview of the
16 School System to take the monies that were appropriated to them, effective one minute
17 after midnight on July 1st, 2005, for the Kendale solution, to which they sent out bids
18 and to which they've awarded a contract, they could do that, theoretically, if they
19 theoretically so decided. Again, from a land use perspective, Mr. Knapp and I argued
20 and agreed, and Mr. Denis joined us in saying that it was the sense of the Committee,
21 and as a recommendation would be the sense of the Council, that the School Board do
22 neither the completion of the Kendale project nor that we would appropriate the
23 additional \$3.3 million to complete the full project. And that would be the sense of the
24 Council, again without transgressing the institutional lines of policy making and who
25 makes the final decisions once the appropriations are made. There is no -- and we
26 looked -- there does not seem to be any vehicle to which the Council or the executive
27 can disappropriate monies. It doesn't exist. In fact, there are Court of Appeals decisions
28 which say that monies once given to the School Board can not be taken away for any
29 other purpose or reason. Now, that had to do, really with a narrow issue, but the
30 wording by the Court of Appeals was not stated in terms of with that narrow issue, which
31 was a levy of taxes and under the old system, but was a much broader statement that
32 once given, it could not be taken away or used for another purpose. So even if there
33 was a desire to disappropriate, we do not know, could not find, and no attorneys have
34 been able to point out to us a vehicle for disappropriation that exists. So, it's the sense
35 of the Committee that the -- or the recommendation of the Committee that the list of
36 options on page 3, provided to us by the task force, go forward, that the task force
37 complete its work very shortly, so that the School Board can then take its
38 recommendations, hold public hearings, make its request to us, and move on with the
39 sense of the Committee that, from a land use purpose, the Kendale site no longer be
40 utilized. That the other policy reasons to go to Kendale no longer exist, with Potomac
41 Elementary saying that they would prefer to wait for their solution rather than force
42 something on Seven Locks and also, the sense of the Committee that the solution be a
43 Churchill solution -- or the sense of the Council that the solution be a Churchill Cluster
44 solution and not involve any other clusters. That's the recommendation, Mr. Chairman.

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1 Council President Leventhal,
2 Thank you, Mr. Chairman. I want to, first of all, talk about the scheduling. I suspect
3 because I see a number of lights here and the issues regarding the Seven
4 Locks/Kendale proposals are complex, I suspect that this conversation will go at least
5 until 12:15. And what I would like to ask, I hope it's not too inconvenient to our friends
6 from MCPS, is we get to the overall school CIP this afternoon after the public hearing at
7 2:00 p.m. We had hoped to be able to conclude all matters for these busy school
8 officials before lunch. I don't think that is going to be possible now and we have a public
9 hearing at 1:30, at which there are some witnesses, not too many. We should be able to
10 get to the School CIP at 2:00 p.m. I thank the School System for its cooperation on that,
11 if that's agreeable. I want to very much thank the School System for the excellent
12 communication that it has had with the County Council over the last few weeks as we've
13 tried to figure out how to accommodate some changing circumstances and community
14 sentiment and Councilmember sentiment. The dialogue between myself and Chairman
15 Subin and Superintendent Weast and Board President Haughey has been extremely
16 productive. I appreciate it very much. President Haughey is out of town on a well-
17 deserved vacation, he sent the able Vice President of the School Board to represent the
18 Board, but we have appreciated the dialogue and appreciate the recommendations of
19 the Education Committee. Ms. Praisner.

20
21 Councilmember Praisner,
22 Thank you very much, I want to thank the Education Committee for what appears to
23 have been from my staff's report a very thorough, and certainly the packet, Mr.
24 Levchenko, for a very thorough review. I want to thank the Committee Chair as well for
25 his shared interest in following the legal parameters of Education law. Which is complex
26 and if not esoteric at some points based on some both legal cases that occurred and
27 based on the requirements in the state code, as well as in court cases that have created
28 law, not just for Montgomery County Public Schools, but for each of the 24 jurisdictions.
29 Albeit, a couple of them be I think a little different given the structures of the School
30 Boards in those jurisdictions based on issues that arose over the management of the
31 School System by the School Board. I have a couple of questions and I want to share
32 some perspective. I appreciate. first of all, all the comments and e-mail, first of all, that I
33 received from folks after I raised what personally for me are questions about how we
34 should proceed such we're respectful of the shared responsibility which the Council and
35 Board of Education has for facility and operational, as well as structural issues within
36 Montgomery County. It's a shared responsibility with different roles in that context to be
37 respected on both sides of the streets, so to speak. The issue I have is I think the
38 Committee has laid out, as I understand it, a way to proceed this spring such that by the
39 time we finish the budget in May, late May, and leave in June for a June recess, that we
40 will have resolved this issue so that the communities will not be hurt anymore than they
41 may have been by the deliberation process and their respect for those processes. As I
42 understand it, what the Committee is recommending is that these options be reviewed
43 by this joint Committee and given to the Board of Education for the Board to make a
44 recommendation to the County Council, by which we can make a determination to either
45 accept or reject that recommendation in this time period. Is that correct?

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1
2 Councilmember Subin,
3 That is correct. We can amend, reject, add to a PDF and then that's when it gets a little
4 mushy. We send it back to the School Board and they have 30 days to comment. What
5 happens after that...

6
7 Councilmember Praisner,
8 Is not clear.

9
10 Councilmember Subin,
11 ...the statute is kind of vague.

12
13 Councilmember Praisner,
14 It's vague because they hope that it doesn't get to that place, I suspect. But having sat
15 on that side of the table and urged Councilmembers not to write prescriptive language
16 into PDFs, I think the interest is in either accepting or rejecting options. I want to be
17 clear that in my view nothing precludes the Council from saying, "No, we don't like any
18 of your options, go back and come up with another option." Or that "these are the
19 parameters in which we would like to see a recommendation from the School Board."
20 And I believe as I have heard the Committee's comments there is strong sentiment that
21 the Kendale site, for whatever reasons, may not provide the attractiveness that it
22 appeared to when the Council last took action. Let me say that having examined the
23 issue personally, I couldn't agree more. And I think the message from Councilmembers
24 individually in the Committee appears to be explore other options. It remains on the
25 table in this list, but in my view, bringing that option back to this Council will result in
26 delay to this community. I don't intend to support that option any further. The other
27 options to be considered, I believe I heard the Committee's concerns about expanding
28 beyond boundaries. I agree very much with the comments made by the Education
29 Committee Chair, if not in this process, but in the past on issues of clusters being
30 internal, not external boundaries. On the other hand, there are dominos that occur and
31 to dip into at this point in time another cluster or a school within another cluster, to me
32 can also be destabilizing to more than needs to be done. But I guess it will be looked at
33 and the comments will come back, but I would make that comment as well from a
34 personal perspective. I have certainly not seen those boundaries as sacrosanct, but
35 there believes to be a question of the logic of looking at that option. My question is the
36 timeframe then is such that we can do all of this within the May budget deliberations. I
37 have two questions -- one suggestion and a question. We heard in the public hearings
38 about some community members who were adamant that we right now make a
39 decision, and we heard from some community members who raised a desire to be in
40 engaged in the Committee process themselves. We have clearly created a Committee
41 that is internal, some of whom are invested more directly daily with this proposal or
42 these issues, others of whom have a myriad of responsibilities including this. What I
43 wondered about is if the Education Committee and the leadership in creating the Staff
44 Working Group, it's called Staff Working Group, how they anticipated sharing
45 information of the work group with the community involved since that issue came up

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1 prior to or during the work of the work group. And the second comment I had is if there
2 is an issue of cycle and time frame, I would remind my colleagues here and at the
3 Board of Education that until 1991 -- I can't remember, maybe Dick or Larry can
4 remember -- the County Council and the Board of Education have a shared public
5 hearing in December on the Capital Budget request to go to the state. It's not
6 unprecedented for the Board of Education and the County Council to have one joint
7 public hearing. If it will ease the timeframe and facilitate the process there, and if we are
8 looking at these options for which the hearings and comments will be on those options.
9 And the Board is going to review and make recommendations based on those options,
10 there might be some value in a joint public hearing. The third-floor hearing room has
11 been used in the past for joint Board of Education/County Council hearings, as I recall.
12 Larry, I don't remember when they stopped, but it was around 1990 or maybe '89 when
13 we decided that they were not as productive from a standpoint but it was more focused
14 on what we were submitting to the state as it was to the fact that they were together.
15 And we decided at that point to use the Capital Budget from the May adoption, rather
16 than trying to modify it at that point to submit to the state for CIP -- for the state requests
17 for funding, as I recall. So I just offered that as a suggestion and also ask the question
18 about how the community will be able to monitor the work of the Staff Working Group.

19
20 Council President Leventhal,
21 Mr. Denis.

22
23 Councilmember Denis,

24 Thank you, Mr. President. I want to thank Chairman Subin for his excellent explanation.
25 I couldn't help that both he and I have the gray suits on. We have similar attire and
26 perhaps that's symbolic for subject matter, but I wore a blue shirt, so there's some
27 difference. But my hope going into the work session of the Education Committee last
28 Thursday and my hope for the Council today if we ratify what the Education Committee
29 is recommending, is that we will have placed both Kendale and split articulation on the
30 glide path to ultimate extinction. I think that is the bottom line, the sum total and the
31 bottom line of what the recommendation means if adopted by the Council. Seems to me
32 there is one of two directions we can take at this fork in the road. Either to place
33 Kendale and split articulation on the road to ultimate extinction or place it on a glide path
34 to ultimate adoption. And I'm pleased that -- at least it's my common sense real world
35 interpretation that that is what has been done. I want to thank the PTAs again for
36 working with each other. I appreciate their expertise and their enthusiasm and their
37 courage. It's helped to get us to this point. And while there is, for sure, a lot more to do -
38 - there's many a slip between cup and lip -- but if you compare where we are today with
39 where we were a month ago or any particular point in time in this saga, I think we have
40 made tremendous progress. I also want to thank President George Leventhal as the
41 helmsman of our Council ship of state for helping to navigate through foggy weather
42 and difficult currents in an attempt to reach a safe port, which I believe we're in the
43 progress of doing. All you have to do is look at the very next item on the agenda for the
44 Council to see the magnitude of the issues that the Education Committee, the Council,
45 and the community has to deal with. The CIP, Capital Improvements Program, for the

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1 Montgomery County Public Schools. And all you have to do is look at the agenda for the
2 next Education Committee work session on Thursday, taking up the relocatables and all
3 the rest. And this matter has been under review for well over five years, when I first
4 went out to the Potomac Elementary, it was under review at that time by the School
5 System, the School Board, and the Superintendent. And there've been many twists and
6 turns since then. But I feel encouraged by the approach being taken by the Staff
7 Working Group. Clearly we can't bind -- or do we seek to bind the School Board from
8 saying anything, taking any action, or making any recommendation? That's the gray
9 area here. Neither can we bind ourselves. People can change their minds and people
10 can change their positions and their views, that goes for Council. I think it's important to
11 send a clear signal what, we're in the process of doing. I have a couple of technical
12 questions for staff, if I may. Chairman Subin reached a point on disappropriation. I
13 would like to know if someone from our Legal Department -- I see Kathleen Boucher
14 here -- if she would like to comment on that and also, Mr. Levchenko, if just looking at
15 the wording in the packet on page 4 where my motion is referred to and the action taken
16 by the Committee, I agree with the explanation that Chairman Subin gave. I'm not sure
17 it's on all fours with the last couple of sentences and maybe it is, maybe just word
18 interpretation, but I would like to know from you if basically Chairman Subin's
19 explanation is correct and in your estimation as to what we did and what we
20 recommending today?

21
22 Keith Levchenko,

23 I will answer the second question and let Kathleen answer the legal issue. Short of the
24 Council formally voting on the School's special appropriation today, the \$3.3 million
25 request, up or down, everything else is a little bit gray as far as what we're doing today.
26 The working group has a number of options it's looking at. The Committee has made
27 clear what it believes the sense of the Committee is, and also what it believes the sense
28 of the Council is, in terms of some of the options. However, there is not a formal vote
29 suggested today on that. This is information, as staff sees it, being provided to the
30 Board of Education and MCPS staff here today, food for thought, in essence, over the
31 next few weeks. as the group comes back. At a minimum to provide all this information
32 both to the Board and the Council and to provide a consensus recommendation. I'm not
33 saying we'll get to that but, at a minimum, we'll have the options laid out and we'll have
34 that information provided to both the Board and the Council for their hearings and
35 action. Mr. Subin noted also it's his preference the Board act first to the degree it has an
36 action it takes and bring that back to the Council rather than having, for instance,
37 Education Committee review prior to any kind of Board discussion of this, and I think we
38 can work that out in the time frame. I spoke with the staff about when we might
39 schedule the hearing at the Council, if we choose to do a hearing, and I think that can
40 work within the time frame. I think -- my answer is that we're providing a sense of the
41 Committee, a sense of the Council today, unless we were to take a formal vote on either
42 your proposed amendment or the Schools'.

43
44 Councilmember Denis,

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1 Right, I agree with Chairman Subin's characterization of -- and it seems to me that a
2 sense of the Council -- I can just use a common sense illustration, is basically thumbs
3 down on Kendale and split articulation, however it's characterized, with the parameters
4 and the scope, and so on, so forth. That, to me, in the real world it's dead, split
5 articulation and Kendale. But, for whatever reason, you know, it's there, and that's one
6 of the reasons -- I felt that the sword of Damocles should be removed and so I made the
7 motion that you referred to in the packet and then after further discussion, I thought that
8 it was reasonable. What basically Mr. Knapp suggested and Chairman Subin and I
9 agreed, basically the sense of the Committee and the sense of the Council. That is,
10 basically, I think where we are, I'd like, if it's possible, for the minutes to reflect that my
11 interpretation of the Committee action is in accord with the Chairman's.

12
13 Councilmember Subin,

14 And that would be correct. It was the unanimous sense of the Committee.

15
16 Council President Leventhal,

17 Very good, I wanted to address -- Mr. Denis, are you yielding...

18
19 Councilmember Denis,

20 Can we have a comment on disappropriation, it's one of these hyper technical things?

21
22 Kathleen Boucher,

23 Sure.

24
25 Councilmember Subin,

26 Before she answers, I just do want to make sure that I implicitly conceded that on that
27 point there would need to be some discussion as to the interpretation because the
28 system of raising monies did change since the opinion -- or I think the interpretation and
29 the intent of the court remain the same.

30
31 Councilmember Denis,

32 Right. Thank you.

33
34 Kathleen Boucher,

35 I would like to make two comments on that. If I understood Mr. Subin's comments about
36 the Council's authority to rescind an appropriation, or whatever terminology we use, it
37 was in the context of whether -- really the question of what freedom does the School
38 Board have now to use the money that's in the '06 budget and whether the Council can
39 tinker with that at this point in time. So I wanted to -- before I get to the rescinding point I
40 just wanted to mention, as I understand it, the School Board has approved -- and
41 according to the materials in your packet the School Board approved a contract for the
42 Kendale School contingent on the Council approving a special appropriation of \$3.3
43 million. When you mentioned earlier it was a contract and why can't they just move right
44 ahead with the contract? My understanding is the contract is contingent on the Council's
45 approval of the special appropriation, and so it's tied up in that way, okay? And if you

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1 get to the issue of whether the Council has authority to -- again, I will us rescind for the
2 purposes of terminology here -- there's case law out there that, in my opinion, does give
3 the Council the authority to essentially, the conclusion is that the authority to reduce or
4 eliminate projects in the Capital Budget implies the authority to rescind. Now, there's
5 some limitations there if money is encumbered and such you get into some limitations,
6 and I have to do a little more research in terms of the mechanism, but that is the general
7 principle I see out there.

8
9 Councilmember Subin,

10 I think -- unless -- you're correct, but it's providing the monies have not yet been
11 appropriated. So that we could say now that in Year 3 of the CIP where the monies
12 have not been appropriated we could, as Ms. Praisner said, go back and in the spirit of
13 the Educational [INAUDIBLE] 306 say, "Here's what we're doing, and you're not going
14 to get the money." But if you look at the case law, it also says once that money is there,
15 it's there and it can't be brought back. In the case of a contract they could go back in
16 and the parties agree to the scope of the project, \$14.4 million instead of \$17.7 million,
17 they could go ahead and do that as a right of two parties to, on their own, amend a
18 contract. So, I think you're right. In terms of the \$3.3 million, we agree. I think the
19 question becomes what is the status of the \$14.4? And even if it's not a contract, my
20 interpretation here is they probably could go back out. If my interpretation is correct,
21 they could go back out, readvertise for the scope of a project for the \$14.4, because
22 they have the money, it's theirs. And we can't go back in and take that back for any
23 purpose. It was the same that went last year when we discussed the issue of budget
24 savings toward the end of the year. We said Mr. Executive you will...Madame School
25 Board President, would you... and that's the way they operated and went in and said,
26 with the assumption we'll get the money back and apply for Fiscal '06, we'll save the
27 \$10 million. Which they did and then they reapplied. There was a clearly a difference in
28 the way we acted with the Executive and the School System.

29
30 Kathleen Boucher,

31 Well, again, until the Council acts in any way I do think the School Board has authority
32 to go out and rebid. They can do that. But in terms of the rescinding an appropriation
33 issue, I can tell you there is at least dicta out there in case law that suggests that the
34 School Board has authority to rescind an appropriation, not just to amend the CIP.

35
36 Multiple Speakers,
37 [INAUDIBLE]

38
39 Councilmember Subin,

40 We're going to need to go back over that and take a look at it. Maybe you, Ms. [Bresler],
41 and I need to sit down at some point and try to get that clarified so that future Councils
42 don't have to start guessing in the middle of a decision what the court meant and try to
43 find the road map for us to go down.

44
45 Keith Levchenko,

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1 There's one other issue...

2
3 Councilmember Subin,

4 But I will concede, Kathleen, that there is some question here, especially given change
5 in the systems, but it seemed clear to me in the reading, as she said it several times.
6 You can not take -- you cannot deprive them of the money for any reason, or use the
7 money -- you can't use the money for any other purpose.

8
9 Kathleen Boucher,

10 I would be happy to take a look at whatever you were reading, Mr. Subin, and compare
11 it to what I already talked to Ms. [Bresler] and see if we could get the resolution on the
12 issue.

13
14 Councilmember Subin,

15 Maybe we ought to just schedule a sit down and then report back to the Committee and
16 the Council what we come up with.

17
18 Councilmember Denis,

19 One further related to that clarification, Chairman Subin touched on it on his remarks,
20 and it's on that 10-day period. Could you explain that, Kathleen?

21
22 Kathleen Boucher,

23 The 30-day or the 10-day?

24
25 Councilmember Denis,

26 The 30-day period. The government's issue, the law applying only to Montgomery
27 County in the Education Article?

28
29 Kathleen Boucher,

30 Sure, there is, as Ms. Praisner eloquently indicated, you have to look to the state law
31 and the education article when it comes to -- understanding the shared responsibilities
32 of the County Council and the School Board. It's always a puzzle and sometimes the
33 pieces of the puzzle fit better than others when you have particular issues. In this case,
34 there is a piece of the puzzle that is very clear and unique to Montgomery County. That
35 is a provision that specifically says that in Montgomery County the County Council has
36 authority to amend the recommended CIP recommended by the Board -- to amend it,
37 modify it, and revise it. And it's interesting provision because it not only says that, but it
38 discusses a role for the School Board, it's not silent on the School Board. The role for
39 the School Board is that the Council needs provide 30 days for the School Board to
40 comment on any amendment, modification, or revision to the CIP. That's the statutory
41 provision that was being mentioned earlier.

42
43 Councilmember Denis,

44 So the Council modifies and then the School Board has 30 days to comment?



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1 Kathleen Boucher,
2 That's the...

3
4 Councilmember Denis,
5 That's the law?

6
7 Kathleen Boucher,
8 ...language of the statute.

9
10 Councilmember Denis,
11 Okay. Thank you.

12
13 Councilmember Subin,
14 And then, wow what, coach?

15
16 Councilmember Denis,
17 It's a comment period.

18
19 Kathleen Boucher,
20 What the statute says is that the decision becomes final, cannot become final -- the
21 decision of the Council to amend, modify, or revise the CIP...

22
23 Council President Leventhal,
24 Could I suggest to my colleagues -- my hope here is -- and the purpose of the staff task
25 force is to get the Council and the School Board to a place where we are not at odds
26 and where we're not debating who has the prerogative to tell the other one "No." It
27 would be an unhappy circumstance if we ended up back at the impasse when we have
28 made such good efforts to move away from the impasse. The issue of legal
29 precedence, I am sure, would make an enlightening local government course syllabus.
30 At this point, as the lunch hour approaches, perhaps we could, perhaps we could get to
31 the place where I would like to get, which is to strongly endorse the sense of the
32 Education Committee and to thank the Education Committee for its, the work it did last
33 week. I would also like, if I could, to address a point that Ms. Praisner raised. She felt
34 that she had not had her question answered, and as I understand her question, her
35 question was: Will the community be fully informed about the work of the task force?
36 And I would like to make this observation. First of all, I want to thank Patty Vitale from
37 my staff, Ken Hartman from Mr. Denis' staff, Keith Levchenko from the Council staff,
38 Lou D'Ovidio from Mr. Subin's staff, and Larry Bowers and Dick Hawes -- and am I
39 forgetting anyone -- [Joe Lavernia] is helping out as well -- who are presenting to the
40 elected decision-makers options and recommendations just as our staff does all the
41 time. We always have memos from staff with options and recommendations. The
42 decisions will be made by the elected decision-makers in public, on television. We have
43 had two public hearings here at the County Council, we'll have another one on May 2nd.
44 I have been in communication with the President of the Board. It's my understanding
45 that the Board will seek to schedule -- it's for them to decide, it's not by any means, and

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1 I'm not suggesting it's for me to decide -- but it's my understanding the Board wants to
2 schedule a hearing and a vote so that whatever we ultimately get to would be the result
3 of the Board's deliberative process. All of those will be public and provide opportunities
4 for the community to have input. Staff does has the ability to talk with staff and staff will
5 be running numbers and confirming facts for the decision-makers. but the decision-
6 makers -- that is the County Council and the School Board -- will be making our
7 decisions in public on television. Ms. Praisner has asked whether the community will
8 have access to documents that the Staff Working Group puts together. I have no
9 objection to that, I mean my staff is one member of the Staff Working Group, If it's
10 agreeable to all parties, I would assume, as Keith's memo today is available online,
11 which outlines most of the work the Staff Working Group has done to date, that, to the
12 extent there are documents that confirm numbers, or propose numbers, or propose
13 approaches or any written material that the Staff Working Group has in front of it, I
14 certainly have no objection to those being made available online or in whatever other
15 fashion. Is that responsive to your question, Ms. Praisner?

16
17 Councilmember Praisner,

18 Yes, it is. I think a timely distribution of materials and the community is an important part
19 with keeping faith with the community.

20
21 Council President Leventhal,

22 Excellent. Okay. Mr. Perez.

23
24 Councilmember Subin,

25 Mr. President, before you go on, I do agree with you that the Socratic debate about
26 what the law says or doesn't say is nothing but that. I think it's important that before the
27 Board or we come to a final conclusion on this, that if we do come up with some
28 answers, I think that Ms. Boucher and Ms. Bresler and I ought to sit down sooner rather
29 than later to get that answer Whatever the answer is, it is.

30
31 Council President Leventhal,

32 Absolutely. That's fine. No problem to sit down and map it out but, again, it will be an
33 unhappy circumstance if we're back to a place where the two bodies are arguing over
34 whose prerogative is what. That that's not where we want to be in this conversation.
35 And, again, I appreciate the Superintendent, the Board President, and Chairman Subin
36 and I trying to get us past the place where the two bodies are at an impasse arguing
37 over their legal prerogatives. Let's hope we can achieve a good outcome on behalf of
38 the entire community, which I know the Chairman Subin wants as well, and has already
39 done excellent work and moved us very far down that road. Mr. Perez.

40
41 Councilmember Perez,

42 Thank you, I will be brief. I recognize the mind can only absorb as much as the seat of
43 the pants can endure.

44
45 Councilmember Praisner,

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1 Or the stomach.

2
3 Councilmember Perez,

4 Or the stomach growling can endure, and I want to thank Ms. Praisner for her
5 institutional memory lesson there on 1989 or '90. I was struck when I was listening to
6 the debate about process over the next few weeks on this issue that having -- we have
7 had two hearings on the full Council, the prospect of two more hearings on this struck
8 me as perhaps necessary, but I hope there is a way around it. I hope we can work
9 collaboratively with the School Board to identify a way to get us to consensus but also
10 do so in a way that maximizes inclusiveness, but also minimizes inconvenience. And I
11 want to thank Mr. Subin. The most important thing I heard this morning was the tight
12 time table. I think it's very critical that we come to a good final decision on this in the
13 time table that Mr. Subin has outlined. And so that was my number one -- or one of my
14 top questions throughout the process. And I appreciate the fact that we have sent a
15 clear message -- the Committee has sent a clear message that this will be done by the
16 end of our budget cycle. So that is very good news for the community, and I want to
17 thank my friend and colleague Mr. Denis, who has been working tirelessly on this issue
18 from start to finish, it's been a very educational process. I appreciate the leadership he's
19 provided along with Chairman Subin. My question -- I think you answered it, Mr.
20 President, in your most recent colloquy, but I want to make sure I have it clear. I am
21 looking at page 3 at the various options and it sounds like we have taken option one, for
22 all intents and purposes, off the table. What should I tell -- and I have been asked this
23 question by a number of community members looked at Option 5-B and had immediate
24 concerns. What should I tell them to do in the next week or two? May be I will ask that
25 of -- I don't know who to ask that of.

26
27 Unidentified Speaker,
28 Light a candle.

29
30 Councilmember Perez,

31 How do they ensure that their concerns are heard so they're not reacting to something
32 that gets decided six weeks down the road, but whatever decision you make is
33 incorporating that input? I have heard already a number of concerns about what I would
34 call -- what's been numbered here Option 5-B.

35
36 Keith Levchenko,

37 Well I think, as Council President Leventhal mentioned, the idea of the group is -- one of
38 its primary goals is to collect the information regarding these options. We do have the
39 capacity to, as we get meaningful information, we can convey that to the public. I guess
40 the point at which this group sends information to the Council and the Board, I think
41 that's the time where we would like to see the community pick it up.

42
43 Councilmember Perez,
44 Say that again, Keith.

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1 Keith Levchenko,
2 The time the working group sends this information to the Board and the Council, which
3 would be -- we're looking at a late April timeframe, that's the time where we would like
4 the community to start weighing in?

5
6 Councilmember Perez,
7 Why not earlier?

8
9 Keith Levchenko,
10 Well, they can weigh in to the degree they have options, but we don't even -- the
11 working group itself doesn't even have details on the options yet. I'm not sure what they
12 would be weighing in on.

13
14 Councilmember Perez,
15 I think what they weighing in on now is they read the packet and there appears to be an
16 option that says "Close Seven Locks Elementary School," and that's what they are
17 weighing in on.

18
19 Keith Levchenko,
20 Right, and the Council will get e-mails and letters and the Board will get e-mails and
21 letters. We don't have details behind these options yet. We don't know if this group is
22 going to -- when we submit to the Council and the Board, some of the options may, in
23 fact, be gone, they may be...

24
25 Councilmember Perez,
26 That's a useful piece of information.

27
28 Keith Levchenko,
29 The working group may have looked at the option and felt it doesn't merit further review.
30 We don't know where we're going to be with that. That's why I cautioned, I would
31 caution too much energy being spent too soon, until we have the information in front of
32 us. It's a tight timeframe, I don't know how to avoid that.

33
34 Councilmember Perez,
35 I don't want to change that.

36
37 Keith Levchenko,
38 The hope is that when the group has the information, it's a diverse group in terms of
39 who is on it. We have the school staff, but we also have representatives from several
40 Councilmembers' offices and they're aware of the community interests on the different
41 issues. And if this work group actually reached a consensus on an option, it would still
42 present all the other information on the options. It would not be, "This is the option to do
43 and that's it." It would be "Here's the information, here's the recommendations of the
44 group to the degree they were able to reach a consensus. If there is no consensus in
45 the group the information would just be provided exactly as we have put it together.

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Councilmember Perez,
Sounds like one answer to my question is keith.levchenko@montgomerycountymd.gov.

Keith Levchenko,
Except it might say "Mailbox full" at this point.

[LAUGHTER]

Councilmember Perez,
Fair enough, Keith.

Keith Levchenko,
Certainly from the Council perspective we've been getting comments for the last couple of months. The difficulty is some are being seen the first time and that's why we felt strongly that -- and certainly the Board would feel the same way. If they were to take a third option, beyond Mr. Denis', which went to public hearing, and beyond the Schools' original appropriation request that went to hearing, there has not been a comment period from the public regarding a third way. That was a concern of the group that we not proceed to any decision point without having that opportunity out there if it presents itself.

Councilmember Perez,
5-B would certainly constitute such an option. I've never -- I mean I've reviewed last week's testimony and I was present for [INAUDIBLE] never heard that one.

Keith Levchenko,
The options here relate directly to Circle page 11, which said, "The Council and MCPS resolve to work together to explore all options." That's the charge that this working group took and that's why we see these options in the table. That's not valuing them at this point. It's just saying, "These are the options that we feel in the broadest sense of the word are ones we have to at least screen and look at."

Councilmember Perez,
How did that one get -- what was the genesis for 5-B?

Keith Levchenko,
Well, I guess 5-B and 5-A both relate to trying to balance enrollment and capacity across the cluster as efficiently as you can. That's not to say there aren't other problems with those that come up. Certainly when some of us saw 5-B as an option that had been suggested -- does it make inherent sense to close a school when we have enrollment going up in the cluster? That's obviously, you know, a question that has to be answered.

Councilmember Perez,

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1 That's certainly a question that crossed the mind -- my mind and some of the community
2 members contacted me.

3
4 Keith Levchenko,
5 But right now we have schools of varying sizes in the cluster and one of the issues the
6 School System has been wrestling with over the years is trying to balance enrollment
7 across the cluster. I don't want to speak for them in terms of how much a priority that is,
8 versus disruption in terms of how many additions you'd have to put on different schools
9 and how the boundary changes would have to be done. Just as a, something of a
10 brainstorming way, that is an option, something they have been trying to do over a
11 period of time, is try to balance enrollment across the cluster. If you're having 2,500 or
12 2,600 students by 2020, you can do it with five schools, four schools, depending on the
13 size of each school. Is it practical to build every school up to a certain level? We haven't
14 done that analysis yet.

15
16 Council President Leventhal,
17 All right, I would like to call -- Mr. Perez, if that satisfies the question.

18
19 Councilmember Perez,
20 Yes, I mean...

21
22 Council President Leventhal,
23 Okay. Mr. Subin had a brief comment, Ms. Floreen has what I hope will be a brief
24 comment.

25
26 Councilmember Subin,
27 No, I want to talk to Ms. Floreen.

28
29 Council President Leventhal,
30 A brief comment from Ms. Floreen.

31
32 Councilmember Floreen,
33 I want to say that my hat's off to Mr. Denis for putting this on our plate. This is really not
34 unlike the item we just debated for an hour. Silver Spring and the Park and Planning
35 issue. It shows that this Council's willing to revisit decisions occasionally and to try to
36 make the right decision. It's important for us to remember that, and I think it's important
37 for the community to hear that, and for the implementing agencies to hear that. And I
38 want to commend the Committee for its Solomonic approach to this issue, because
39 trying to find the right path between the role of the Council and role of the Board of
40 Education and the role of the community is an extraordinarily difficult task under the
41 circumstance. And I think you outlined a good proposal for us and I compliment you on
42 the range of options that are fully available for public comment and involvement and
43 we'll see where we get out of all of this. Thanks.

44
45 Council President Leventhal,

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1 Okay, following a brief comment by Mr. Subin, I think it would be useful if the Council
2 would go ahead and raise its hand to endorse the findings of the Education Committee
3 as stated in Keith's memo. Mr. Subin.

4
5 Councilmember Subin,

6 I wanted to thank Mr. Levchenko because on this, as in the other things, he did
7 extensive, very good, very high-quality work and this one was not easy, but he, despite
8 the fact he had to do the normal CIP packages, he was able to provide an extraordinary
9 amount of help to the Committee and to the task force. I just wanted to thank Keith for
10 that.

11
12 Council President Leventhal,

13 Very good. As recommended by the Education Committee, the matter now before the
14 Council is to express the Council support for the points on page 4. I will not read the
15 entire thing but the key point would be, "It is the sense of the Council that there is not
16 Council support for the Kendale option." And then pages 4 and 5, "It's the sense of the
17 Council that the Churchill capacity issue should be addressed within the Churchill
18 Cluster." And then -- I think there's no need for the Council to endorse the
19 recommendation that hearing and work session time be scheduled, but we understand
20 the Board is working to do that. And for the community's information, our staff has
21 identified the date of May 2nd at 7:30 p.m. as the time frame for a public hearing before
22 the County Council on the -- as we get closer to a resolution of the matter. Those in
23 favor of endorsing the work of the Education Committee -- the very good work of the
24 Education Committee will signify by raising their hands. And that is unanimous. Thank
25 you very much, it's time for lunch.
26

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1 Council President Leventhal,
2 Good afternoon, ladies and gentlemen. Montgomery County Public Schools' FY '06
3 Capital Budget and amendments to the FY '05 through 2010 Capital Improvements
4 Program for relocatable classrooms, to accelerate the full-day kindergarten initiative in
5 the amount of \$975,000. And for rehab and renovation of closed schools and for
6 Linkages to Learning space in the amount of \$3,050,000. An Education Committee work
7 session is tentatively scheduled for March 30th, 2006, at 10:15 in the morning. The
8 record will be closed following the hearing. We have two witnesses, Ms. Meredith
9 Asbury and Sandy Max. Are they here? Is Meredith here? Don't know, okay. There
10 appear to be -- are you here to testify on this? Anyone here to testify on this item?
11 Okay. I guess there are no witnesses. That moves us to Agenda Item Number 9. This is
12 a public hearing on a special appropriation to the Montgomery County Public Schools'
13 FY '06 capital budget for relocatable classrooms in the amount of \$3 million. An
14 Education Committee work session is tentatively scheduled for March 30th at 10:15
15 a.m. We have -- the record will be closed following this hearing. We have two
16 witnesses, Marion Cantor, is she here? Okay, please come forward, and Cindy Gibson.
17 Is Cindy here? Okay. Just have a seat -- yep, here. Marion Cantor please press your
18 button and state your name clearly for the record and begin.

19
20 Marion Cantor,
21 My name is Marion Cantor. I'm here today to talk about the trailers at our school, Bells
22 Mill, that have made our children and teachers physically ill. As I look at you, it's difficult
23 to determine your relative age. If you were to become ill -- isn't that nice -- if you were to
24 become ill, how would you feel if you were denied adequate health care just because
25 you might not be one of the oldest? Dr. Weast's current plan is to eliminate trailers that
26 are 11 years or older, and this is absurd. Why base replacement only on age? In the
27 CIP age is not the reigning critical factor for modernizing a building. Why should it be
28 the critical criteria for replacing portables? The trailers at Bells Mill are less than 11
29 years old, but they are sick. Our very sick teachers and children are proof that our
30 trailers must be replaced now. I have spent the last seven months begging for action to
31 protect our community. I have learned more about mold, trailers, rundown schools, and
32 the bureaucracy of the School System than I ever thought I would learn in my life time,
33 and I've learned some frightening things. I have learned there are no regulations or
34 building codes that must be followed when installing or maintaining trailers. Our trailers
35 were placed on the playground and have major drainage and moisture problems. We've
36 requested a better solution and been told that the pool of water that they sit on is where
37 they will stay. I have found that there is no one who is regularly monitoring the indoor air
38 quality on our portables, besides recommending that air filters be changed every three
39 to four months. I have found that teachers and families are being instructed not to talk
40 about the problems that we have with our portables. I've found that locating the history
41 of our trailers from MCPS has become close to a full time job. If you don't know the
42 specific name of a report, there's a good chance you won't be given that information.
43 Mold is not like spilled milk, you can't just wipe it away. MCPS is using two of our
44 condemned trailers to store books and supplies that will be brought into our schools. A
45 special thanks to the County Council for recognizing that this is indeed a problem and

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1 cannot be permitted. This year there have been 81 pages of e-mails between MCPS
2 and Bells Mill about the health issues of our trailers, which included reference to trailers
3 that were transferred to our school with a history and that had been called "hot items."
4 81 pages and we still have teachers and children that are sick. Bells Mill is in a crisis.
5 We need our school rebuilt and expanded before any more harm comes to our
6 community. Our school must be put on a fast track for modernization. We need your
7 help to get permanent, safe, efficient building for our kids. Where our children learn is as
8 important as what they learn, and no parent should ever fear for their child when they
9 send them off to school. Thank you.

10
11 Council President Leventhal,
12 Thank you very much, Cindy Gibson.

13
14 Cindy Gibson,
15 Good afternoon, my name is Cindy Gibson. I am a Bells Mill Elementary School parent.
16 In just a few short weeks portable health and safety has become a priority issue for the
17 residents of Montgomery County and the state of Maryland. The community has
18 become engaged in this issue and the media has brought to it the forefront of public
19 discussion. The state of Maryland will likely pass legislation on portable safety next
20 year. Everyone is talking about portable safety and everyone agrees there's a problem
21 at Bells Mill. We appreciate the serious approach the County Council has taken with
22 regard to these issues. Our crisis at Bells Mill can not wait for legislation or initiatives to
23 replace portables according to age. The portables at our school have had multiple
24 problems. Two have even been condemned as they are no longer safe for human
25 occupancy, but no one can tell us why exactly. Our community can no longer trust the
26 safety of the remaining portables. We've requested copies of MCPS standards of
27 portable construction and copies of testing protocol, but we have not received them
28 because it appears that MCPS does not have such regulations. MCPS has not proven
29 that it performs comprehensive indoor air quality assessments. Therefore we, the
30 public, cannot assume they are safe and neither can you, the County Council. Other
31 states are way ahead of Montgomery County on this issue. Numerous public documents
32 from other states exist that have led to the banning of portables such as the ones used
33 in Montgomery County. This is because of their poor construction, unsafe building
34 materials, and ineffective ventilation systems I have in my hand a very detailed
35 document from the state of California which outlines relocatable classroom health and
36 safety requirements. Our community has yet to see a similar document from MCPS,
37 despite numerous requests. Aren't our children entitled to the same health and safety
38 standards as those in other parts of the country? While we applaud MCPS for
39 implementing air quality teams, these teams are not trained to conduct comprehensive
40 air quality assessments like those done in other states. The fact that the HVAC system
41 in our portables do not run continuously throughout the year, tells me that MCPS has a
42 lot to learn about air quality issues. The fact that our portables sit on land where water
43 regularly accumulates tell me MCPS is not following even the most basic EPA
44 guidelines. A complete air quality assessment would include a health specialist who
45 knows how to find and identify all types of biological agents, estimate the risks they

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pose, and do the necessary lab work. An investigating strategy is outlined in a manual called "Bioaerosols: Assessment and Control" published in 1999. It is quite time consuming and costly, but what could be more important use of our County's funds than the health of its children. You don't have to be an expert to see what has happened at Bells Mill. However it takes a team of experts to analyze and fix the problems. The County Council is here to discuss a \$3 million special appropriation for the purchase of portable classrooms. In light of the severe overcrowding, outdated facilities at Bells Mill, and the unique situation with our portables, I urge you to allocate part of that money for new healthy green portable classrooms for Bells Mill. Please assure me that my son will not be breathing in toxic mold, formaldehyde, or other harmful toxins as he learns next year in the fourth grade. I think as a parent, a taxpayer, and voter of Montgomery County I am entitled to that assurance. Thank you.

Council President Leventhal,
Thank you, Chairman Subin.

Councilmember Subin,
Thank you Mr. President, I just wanted to assure you that, and I think we're going to get into this when we discuss the CIP in a few moments, that we have asked that all three trailers be closed up and not utilized for anything, including storage now. And that three new ones be brought back in and they should not be contingent upon whatever happens with the trailer appropriation, or the portable appropriation.

Marion Cantor,
Three or two?

Councilmember Subin,
I think that we're asking that all the ones that you have be replaced. So there's the two...

Marion Cantor,
We have eight.

Councilmember Subin,
...well, there was a third, where there was some other issues that were identified. And that that one be removed also and they'll look at the other five, I guess, that are remaining.

Council President Leventhal,
Vice President Praisner.

Councilmember Praisner,
Thank you very much, and thank you for your testimony and thank you for bringing this issue back up and continuing to focus on the issue. I have asked a series of questions about relocatable classrooms period that are part of this public hearing and the one prior to this. So, I hope the packets or the materials can come from the School System

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1 sooner rather than later on this information that's not meant as criticism. I just would like
2 them early in the process so folks can review them. The issues that are being raised
3 about the caliber and quality of the portables, and I prefer to keep the same vocabulary
4 we've always used, portables in by MCPS is also a question of that relates to the
5 Interagency Committee, the State IAC and the function of the relocatables, portables,
6 that are state-owned, and a question about whether they have standards for the ones
7 that they purchase which then are in essence doled out to different jurisdictions. I very
8 much like to get a copy of what you have from California, or anywhere else, on this
9 issue. It is, it seems to me not just -- there are three questions. One is the question of
10 the quality of the building being used. Second is the maintenance of the building when
11 it's operating. An 11-year-old portable could be fine if it is maintained in an appropriate
12 fashion. It's not the age, it's the conditions all the way through its use. And the third
13 piece is the location of those. And they may very well be placed to be convenient for
14 access to the main building, which would make a paved area nearby the most
15 appropriate, that may not be the best from a standpoint of the terrain, of the topography,
16 and what may happen. And obviously the principal and the parents and the faculty of
17 the school will have a better sense of what happens on that building -- on that site, rain
18 or shine, day in, day out. That is a specific site by site kind of analysis that needs to go
19 forward. And so I would like to know the extent to which the School System, not just
20 goes through the age of the building issue, but the siting of it and the issues of
21 maintenance on a daily basis. Having a daughter who has been teaching out of a
22 portable, for I can't remember how many years now, this is obviously a personal as well
23 as a professional issue to me. Thank you very much.

24
25 Council President Leventhal,
26 Thanks to all the parents who are here. We started on time which doesn't always
27 happen around here and did not have Meredith Asbury or Sandy Max in the room when
28 we started. Are either of them here now? I guess not.

29
30 Marion Cantor,
31 I have written testimony from Sandy and Meredith.

32
33 Council President Leventhal,
34 Okay, fine. So you can distribute that to our staff, just give it to the staff.

35
36 Cindy Gibson,
37 Ms. Praisner, I'll make copies...[INAUDIBLE]

38
39 Councilmember Praisner,
40 Thank you. Thank you very much.

41
42 Council President Leventhal,
43 All right, we very much appreciate all the parents being here. The issues of portables is
44 very much on the Council's mind as we take up the Capital Budget and as Chairman
45 Subin said, we're going to be devoting a significant amount of time working with the

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1 School System to prioritize and address some of these very serious problems. Thank
2 you. Okay. Agenda Item Number 10. This is a public hearing on the supplemental
3 appropriation to the Department of Housing and Community Affairs FY '06 Operating
4 Budget for the Montgomery Housing Initiative Fund, in the amount of \$4 million. Action
5 is scheduled at the end of this public hearing. Before beginning your presentation --
6 there are no witnesses so I guess we will go, to a vote.

7
8 Councilmember Praisner,
9 This didn't go to Committee -- PHED Committee -- and since neither of the other two
10 members of the PHED Committee are present, I'd like to move approval of this item.

11
12 Council President Leventhal,
13 Second. Okay, the motion is made and seconded. And those in support of the \$4 million
14 appropriation of the Housing Initiative Fund will signify by raising the hands. It is
15 unanimous among those present. We told the School System that we would begin CIP
16 discussion at 2:00 p.m. I see that Director of Housing and Community Affairs is here.
17 And I understand she is ready to go with her Housing Initiative Fund presentation, so
18 we're gonna take that item out of order and hear from her now. And Ms. Davidson,
19 we're glad you're healthier than you were. And we had asked for...

20
21 Elizabeth Davison,
22 Thank you.

23
24 Council President Leventhal,
25 ...a presentation. Actually, you had asked us to give us a presentation on Housing
26 Initiative Fund, which we're very happy to receive. And we had said that when we
27 received that presentation we would also like to have some conversation about
28 compliance with the MPDU law. I am aware that you're not prepared today to address
29 that second issue so we won't address that today, although Councilmembers can ask
30 questions about any matter that's on their mind. We will reschedule the conversation
31 about MPDU compliance at the earliest opportunity, and our staff's will communicate
32 about when that will occur.

33
34 Elizabeth Davison,
35 That would be fine, and we also have our annual report on the MPDU. It's just awaiting
36 my signature. I'm reviewing it at this point. So, that should help with the information
37 you're looking for. Anyway, we're happy to be here today to talk about the Housing
38 Initiative Fund. And with me is Stephanie Killian, who manages this fund, and Joe
39 Giloley, the Division Chief. We've just, I think, passed out our new report on this. We've
40 been doing annual reports each year on how we spend the money. I figure any time we
41 get a large sum of money that's under our signature and decision making, the least we
42 can do is tell you how we spend it. I think we've been able to do quite a lot with this
43 fund. We're very proud of the work we've done and felt that going over with this power
44 point. What we've been doing over the past several years, it might help educate on how
45 the process works, what we've done with it and the level of funding. Can we go ahead

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1 with this? As many of you know, the Housing Initiative Fund has been in place since
2 1988. It's a trust fund that was established to promote a broad range of affordable
3 housing opportunities in the County. Next. We have six goals, I guess. One's kind of,
4 maybe if we could move that up a little bit. Okay. We have six major goals for this fund.
5 All revolving around affordable housing, but also recognizing that housing isn't just
6 bricks and sticks, it's also in a neighborhood. So in addition to the renovation,
7 preservation, building new units and building mixed income units, we also provide
8 supportive services and do some neighborhood organizing, neighborhood services in
9 addition to that. Next. Over the years, the money has added up and the number of units
10 that we've been able to preserve or build has also added up. Since the inception of the
11 program, we've spent a little over \$110 million. But the great bulk of that really has been
12 in the last few years as the amount of funding in the Housing Initiatives Fund has risen
13 dramatically. With the allocation of 2.5% of the property tax. So since 19...since 2003
14 we've spent \$83 million. We've also been able to leverage this money overall about \$5
15 or \$6 of other funds for every County dollar. The past two years that we haven't been
16 able to achieve quite as high a ratio because the cost of acquiring properties with the
17 housing market the way it is, as well as the new construction has dropped somewhat.
18 We're still are getting more than \$3 for every one County dollar. But that's something
19 that we're concerned about that we're not able as other funds dry up and these costs go
20 up, to spread the money as far as we had in the past. But if we could go back to that
21 other slide. But we've still been able to do a very large number of units per year. 2,500
22 to 3,000 per year with this fund. And this I think demonstrates that this is far and away
23 the largest of our affordable housing programs in the County. And it's a range of
24 different types of housing, but they're all in the affordable category. We wanted to go
25 over some of the case studies so people would have a little bit better flavor of the range
26 of different types of properties that we've worked on. So he's come up with a list that
27 sort of covers the bases here. And if we want to go ahead and start with the Grand Max
28 building. I know many of you are familiar with the big hulking empty building that sort of
29 blighted the landscape in south Silver Spring for well over a decade. We are able
30 working with the new owner RST Development to have that vacant office building
31 converted to 182 rental apartments, the vast majority of which -- 85% are affordable
32 units. We put money from a number of different sources, but the largest amount was
33 from the Housing Initiative Fund, but we also got money from CDBG. We had a
34 demolition loan that the Council had authorized a number of years ago. And so, of the
35 \$4 million of total public investment that was a little over 10% of this deal. But I think it
36 has made an enormous change in South Silver Spring and led to a large number of
37 other apartments and condominiums being built or buildings being renovated. So we
38 feel that was money very well spent. Next. Stewart Town is one of those properties that
39 nobody thought existed in Montgomery County. It was just on the outskirts of
40 Montgomery Village. It had been a federally sponsored 236 program which was one of
41 the programs back in the '70s and '80s. But it had expired, meaning that the affordability
42 was going to expire as well. This property of 94 townhouses, a third of them were
43 uninhabitable when we came across this property. We worked closely with HOC to
44 acquire and renovate the properties and to keep the federal subsidies. We've renovated
45 the units completely. And they're very attractive townhouses at this point, there are

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1 families there. We also did a major investment in the community center to create an
2 after school and job training program working with Community Preservation and
3 Development Corporation. There's a partnership with the local elementary school.

4
5 Council President Leventhal,
6 We just skipped ahead. I wanted to go back to that Stewart Town slide.

7
8 Elizabeth Davison,
9 The next slide is also Stewart Town.

10
11 Council President Leventhal,
12 I don't want to pepper your presentation with questions but I don't want to forget this
13 point. Leverage ratio of County funds 5.24 to 1. Which end of the ratio is the County?

14
15 Elizabeth Davison,
16 We're the one.

17
18 Council President Leventhal,
19 Who's the 5.24?

20
21 Elizabeth Davison,
22 Well, in all these cases, they're different. They end up being a wide range, I don't know
23 if Stephanie has the specifics.

24
25 Stephanie Killian,
26 On this one it would be Mortgage Revenue bonds which were issued by the Housing
27 Opportunities Commission and there would have all been federal subsidies involved
28 based on the Section 236 financing that came with this.

29
30 Council President Leventhal,
31 Thank you.

32
33 Elizabeth Davison,
34 And many of these cases it's private money from just regular private sources. It may be
35 state money. It's from a range of sources. Next slide. This shows the children, the after
36 school programs we're very pleased the grade point average of these kids I believe has
37 gone up two points since we started this program two years ago. And the schools are
38 very much a partner and extremely supportive, because the children that had very little
39 opportunity and very little support system are now doing very well and thriving. Next.
40 Montgomery Arms Apartment is a historic property in Silver Spring. It's been owned by
41 the Housing Opportunities Commission for this years. It was in great need of substantial
42 rehabilitation renovation. We put \$2 million into that. HOC has done a beautiful job with
43 retaining the historic art deco flavor. It's right in downtown Silver Spring, which obviously
44 is an area where rents are going up. So we're very pleased to be able to keep this
45 affordable and keep it as a very attractive historic property. Next. You can see some of

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1 the previous conditions where it was in very bad shape. This is one of our mixed income
2 housing projects where we have 46 units that are market rate. But we also have 10
3 units that are available for persons who have chronic mental illness. And this provides
4 them a decent sound place to live in one of our hottest neighborhoods. Next. Common
5 Tower. Again, a very rundown elderly property that we are very concerned about the
6 condition of this. There were numerous code violations. We were able to assist Victory
7 Housing in the acquisition of this property. And preserve the HUD Section 202
8 subsidies. This has turned into a premiere very attractive property and the residents are
9 able to stay in place and are very happy with the new improved conditions. Barrington
10 Apartments on the outskirts of Silver Spring was a property that also had become
11 extremely rundown. To the extent that there were 6,000 code violations of this property.
12 We were able to work with the existing residents and with a new owner who did, is
13 finishing up a substantial renovation of this property. We kept the HUD subsidies so that
14 two-thirds of this property is a project based section eight. The rest of the units are tax
15 credits with a small number of market rate. So everyone is able to stay at the property,
16 affordability was not the issue. Again, many of these units had been condemned or
17 uninhabitable. The boiler rooms were in very bad shape. We were concerned we were
18 going to have to condemn the whole property. So we view this as a major investment in
19 some of our older affordable housing. Fireside Condominiums is an unusual story. I'm
20 going to turn to Stephanie and have her pinch hit on this one.

21
22 Stephanie Killian,

23 This was a property that was threatened with condemnation by the city of Gaithersburg.
24 The property was more than 20 years old. But when it was constructed it was
25 constructed improperly and was literally in danger of collapse. The City of Gaithersburg
26 came in and started putting load restrictions on individual units but because it was
27 condominium it was much more difficult to finance repairs to it. We worked with the
28 condominium and with the City of Gaithersburg and were able to work with the private
29 bank who made a loan to the condominium association, which is a difficult loan to make.
30 There's really no asset, no real property to secure. We were able to use County funds to
31 pay for soft costs and also to act somewhat as a guarantee. That's not the right word
32 but best way to describe it, as a guarantee through the bank loan. We told the bank, this
33 loan will not go into default. We will guarantee that the monthly payment from this loan
34 will be made. We knew it was a good loan. We knew the condominium would never be
35 in that situation. We were able to tell the bank by putting a deposit of money into the
36 account that they would be guaranteed that this loan would be secure, a secure loan to
37 make. They made the loan. All the units have been repaired. And it's, you know, 200
38 units of housing and serving affordable families that's how safe and decent housing. At
39 the same time, values have gone up which means these families are really realizing the
40 benefits of home ownership. Grace House is a victory housing project. It's adjacent to
41 Leisure World. It's 30 units of assisted living, 23 units serving lower income persons. It's
42 under construction now as you can tell, it will be completed soon.

43
44 Elizabeth Davison,

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1 Charter House is a property again in Silver Spring. A high rise that had been moderate
2 income elderly housing. Soon after the revitalization of Silver Spring took hold, the
3 owners of this property threatened to convert this to luxury condominiums. The building
4 was largely occupied with people who were very elderly. Several of whom were over
5 100 years old. This was in our view a crisis situation. We wanted to make it clear that
6 we didn't revitalize Silver Springs so that the most vulnerable population could be
7 displaced and thrown out. So, we step forward and were able to work with the non-profit
8 Homes For America to step in, purchase the property, there were some portions of the
9 building that needed substantial renovations and other maintenance such as elevators,
10 other sort of routine maintenance needed to be done. It's a large building, 212 units, and
11 we've been able to keep that as moderate income and elderly housing. Seneca Heights.
12 I think many of you are familiar with it. It was the former Econo Lodge in the city of
13 Gaithersburg. It was an older rundown property. We worked with a coalition of the, the
14 Coalition for the Homeless, with our Department of Health and Human Services, and
15 the Housing Opportunities Commission to turn this into housing for persons who are
16 formerly homeless. To turn this into housing for persons who were formally homeless.
17 Some of them, there are two buildings, one building is for single room occupancy, the
18 other is for families with children, which is two-year temporary housing. There are
19 support services for all the households there, and it really has become a community
20 ranging from young children, young parents to older people and persons with
21 disabilities, and we're very proud of this property. We also had a partner with the state
22 of Maryland who supplied us with \$4 million to assist this and Housing Opportunities
23 Commission put in section 8 vouchers for these units. So, we've won numerous awards
24 for this property, and we're very proud of it, and I think this is probably the one that
25 Stephanie is most proud of herself. Over the years have been a lot of different sources
26 of revenue for the Housing Initiative Fund. At this point, the most substantial is the
27 general fund contribution of 2.5% of the property tax collection or minimum of \$16
28 million. You had just added to our pot here, another \$4 million which had come from the
29 Condominium Conversion Transfer Tax. As you know condominiums have been selling
30 the past year or two after probably 20 years or over very little condominium activity. So,
31 we do expect to be getting more funds in terms of this 4% Condominium Conversion
32 Transfer Tax. So I think you can see from this chart that it starts about 1990, I don't
33 know...

34
35 Stephanie Killian,
36 '89.

37
38 Elizabeth Davison,
39 '89, but for many years there was very little bit of money put into it. There was no
40 consistent source of revenue. Ten years ago when I took on this job, I asked Mr.
41 Duncan if we could put in the budget an annual amount of money just so that we would
42 have a pot of money that we could count on and plan on. And over the years thank you
43 to both the County Council and the County Executive, this has moved up to a very
44 substantial amount of money annually. Close to \$20 million this past year. And as you
45 seen from our earlier statistic, we're able to either preserve, renovate, or have now

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1 construction of 2,500 to 3,000 units per year which is a very substantial commitment.
2 Our administrative process is pretty straight forward. We try to make this not terribly
3 bureaucratic. Person who's interested in applying for a loan provides a letter, an
4 application, again, the materials that they have to supply are very similar to what they
5 would have to supply for any other kind of financing. We have staff review of the
6 application and we have a Loan Committee that's composed of staff, some from our
7 department, others from Health and Human Services, and from Management and
8 Budget. And in addition, we have a few citizens who are knowledgeable about housing
9 finance and affordable housing who give us their input which is very important. The
10 Committee makes a recommendation to me, the director, and the director makes the
11 final decision. We do this as a rolling application process and the Committee meets
12 usually about once a month if we have applications to review. So this is something that
13 can be done in a fairly short time frame and we make the actual disbursement of the
14 funds when we go to closing on the property. So I think that gives you kind of an
15 overview of how that process works. The factors that we consider certainly we have to
16 make sure that the purpose of the project complies with the mission of the Housing
17 Initiative Fund. We wanted to serve a low to moderate income population. We also, if it's
18 a renovation of an existing building, we need to look at the actual condition of the
19 property. We also look at the design and the land use and zoning to make sure that
20 those are appropriate for the building. We look very carefully at the financial feasibility.
21 We feel that it's very important that we spread this money as far as we can, and that we
22 are leveraging our money. That the cost is reasonable, given the current market
23 conditions. That there are, there has been market feasibility study to make sure that
24 there's a need for the property. We also look at the development team capacity and
25 their ability to actually carry out what they are proposing and that they have done their
26 due diligence and that the project is ready to go forward. In many cases we look at the
27 availability of support services because in many cases, where these projects are for
28 people who need either some kind of social service or job training or after school
29 programs to help them, not just have a decent place to live but to fulfill their goals and
30 dreams in other parts of their lives. So many of the developers that we work with are not
31 for profit organizations that can also bring the support services to bear. So, the question
32 came up earlier about how do we leverage the funds when we say our leverage ratio?
33 It's from many different sources, some of them are other government agencies such as
34 the federal government, state government and can include bond financing. But it all
35 includes private financing. It includes developer equity. So it's a wide range, and every
36 deal is different. But we look for funding from every source that we can find to make
37 sure that we're using the County dollars in the wisest fashion possible. Next, that's it
38 okay, we don't have Stephanie's name and phone number, we usually do so that they'll
39 know who to contact.

40
41 Council President Leventhal,

42 Great. Well, Elizabeth, thank you very much. This is a good presentation, there's much
43 to be proud of. We appreciate, and I'm sure the residents really appreciate that the
44 County has stepped in in so many of the buildings. And we know that land is scarce and
45 property values are high, and it's more difficult to put together these creative deals that

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1 you and your staff are consistently working on. So, appreciate the presentation very
2 much. I know Mr. Perez will have some comments. Certainly many of these projects
3 have been located in the down-County and in the eastern part of the down-County. That
4 is, that is, that tends to be the area where you have more people, there are more
5 tenants. You have some areas where you have more affordable housing stock. You
6 have some affordable rents. Although in every part of the County property values are
7 rising. As I mentioned to you out in the hall. I won't get into details now, both I and Mr.
8 Perez are looking forward to having a conversation with you and your staff. Just to
9 understand how these criteria that you outlined about the leveraging, about the bang for
10 the buck, about the needs being served relate to some specific properties in that corner
11 of the County. I would acknowledge that my City Councilwoman Joy Austin Lane is here
12 with us. She's trying to learn as much as she can about the County Council. She's
13 paying attention to a lot of the issues that we're working on. And I know there's been
14 some interest in the City of Takoma Park in the County's exercising it's right of first
15 refusal on some specific properties, and whether we'll be able to carry off and then
16 comparing some properties that we may or may not be acquiring or we may be deciding
17 not to acquire with some properties we have decided to acquire. I'm not going to get into
18 details now. Looking forward to learning more about how these criteria come into play
19 with respect to some specific purchasing decisions that have come before you in the
20 last few weeks.

21
22 Elizabeth Davison,

23 Right, just to comment sort of in general, the County, I mean, our department does not
24 own and operate these housing units. So, we work with a lot of partners. And each one
25 of those partners is going to have their own criteria, their own mission, their own
26 evaluation of a given property. So, we're financing organization. We are not the
27 developer/owner of these properties. So, many of the decision-making is as much part
28 of our partners as it is on our part.

29
30 Council President Leventhal,
31 Thanks. Mr. Perez.

32
33 Councilmember Perez,

34 Thank you, Mr. President. I have enjoyed working with you on issues in Takoma Park
35 and will continue to work. I know Joy is here. I have had a lot of conversations with
36 Councilmember Elrich on those issues. I do have a number of questions there. I'd be
37 remiss though if I did not start out by thanking you and the County Executive. You look
38 at pages 16, 17, 18 of your report and you'll see that there has been a major investment
39 throughout the County. But a particular focus on a number of areas in Silver Spring. I
40 recall many conversations with you after I had -- that you had had and I had had
41 conversations with women, one woman was 101, I think, that I spoke to. You spoke to
42 somebody as well, similar age, who were getting eviction notices. And that was not a
43 cheap investment of County dollars, and you look at pages 16 to 18 of this report and
44 you will see that it's almost, it was almost \$7 million if I'm not mistaken of County
45 dollars. And I think that was a very wise investment because, number one, displacing

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1 people who are 100 years old and have lived there for many, many years is inhumane.
2 Secondly, you know, redevelopment that displaces people who have been there for so
3 long is certainly not revitalization. So County Executive and you and everybody from
4 your office recognize that immediately. And it was a rather significant investment, but it
5 was not a hard sell. So, I want to thank you for that. Similarly I think one of my first
6 issues with you was Rosemary Village, which was a most unfortunate situation. Many
7 people, generations of people who had lived in Rosemary Village a very vibrant part of
8 West Silver Spring, who were in the very precarious position and the investment there
9 was a good investment. I know that things are certainly the quality of the housing stock
10 there is certainly improved from where it was three years ago. We can still debate the
11 issue of the co-op form of ownership and how we could preserve that. But we had to
12 play the hand we were dealt at the time. And so, I do appreciate the hard work that you
13 put in. I won't go project by project. I'll just note, I think those are two of the, those are
14 probably the two most significant financial investments. But every time you help
15 preserve one unit of housing, it's exceedingly significant. And that's why I'm very
16 grateful for your help. I do like the Council President want to get a better handle on the
17 issue of how decisions are made. Your second or third slide noted that the ratio we
18 used to brag about 6-1. I think I said 8-1 at one point. Maybe I need to revise my talking
19 points in light of market forces. But I would like to get a handle for instance where
20 there's a proposal to purchase a nine unit building on Dale Drive. And if you do the
21 simple division, it will come out to a per unit cost, it's a fairly significant amount of money
22 when you compare it to the one apartment building at, on Houston Avenue that is still in
23 play. They're comparable numbers. I actually think the Houston Avenue would be
24 cheaper. That's not to say they're both not expensive but the Houston Avenue building
25 is a little bit cheaper. So one thing I'd be curious to learn more about, and I'm not
26 sufficiently informed, is how, what are the metrics that go into the decision-making
27 process in making a determination that this makes sense and this one may not make
28 sense, because at first glance looking at the numbers and doing simple division, it could
29 lead one to conclude that, well, this may, we're either paying too much for one or we
30 should be buying the other because we're paying more for the others than this one. So I
31 would be interested, at least maybe in a preliminary 101 assessment of how you make
32 those decisions. And then with an understanding that we'll get into it in more depth.

33
34 Council President Leventhal,

35 If I could comment. This was actually the issue that I thought we were going address,
36 not here on television.

37
38 Councilmember Perez,

39 I just, we'll get into it in greater depth. I have just wondering if I could get the cliff notes
40 version.

41
42 Elizabeth Davison,

43 The cliff notes I can start off and Stephanie and Joe can fill in some more details. As I
44 said just a moment ago, we do not own and operate the properties. So, we work with
45 partners. And each partner has a different mission. In some cases we'll work with the

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1 Montgomery Housing Partnership which typically is doing housing for the working poor
2 families. And they rely on usually tax credit financing and some other standard forms of
3 financing. And in the case of I think the property you're referring to...

4
5 Council President Leventhal,
6 641.

7
8 Elizabeth Davison,

9 Yes. They have determined that they cannot make the deal work. And we feel that
10 there's some issues with the asking price and we're hoping to negotiate, that that can be
11 negotiated down. In the case of the Dale Drive property, the population that's expected
12 to be served there is very different population group. It would be housing for persons
13 who had experienced homelessness. It would be a small property with supportive
14 services. We are also expecting to get, you know, some other financing. We've actually
15 even worked with the home builders, they have a group The Home Builders Cares.
16 They've made a commitment that they'll put a substantial amount of money into
17 renovating that building.

18
19 Councilmember Perez,
20 That's Rich Thomas' group.

21
22 Elizabeth Davison,
23 Yes it is.

24
25 Councilmember Perez,
26 He did the one on Garland, Pine Ridge.

27
28 Elizabeth Davison,
29 Yes, he did the community center. They put money into that. So we're hoping to form
30 that partnership. Typically, we put more money into buildings that are serving a lower
31 income, and needier population group. And so in this case I think you're sort of
32 comparing apples and oranges.

33
34 Councilmember Perez,
35 I certainly appreciate the population to be served is a factor.

36
37 Elizabeth Davison,
38 And the condition of the buildings is different also. In any given building, we do due
39 diligence, or our partner who's going to be doing the development does due diligence to
40 evaluate the physical condition, to look at what needs to be done, what kind of rents
41 they can get, what are the other sources of funding and financing. So that's an
42 overview, and I don't know if you want to add?

43
44 Council President Leventhal,

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1 Could I just suggest, we're getting really down into detail here. We've got the School
2 System ready to get into the CIP.

3
4 Councilmember Perez,
5 I appreciate that.

6
7 Council President Leventhal,
8 You and I will have time to address the specific addresses.

9
10 Councilmember Perez,
11 I have one quick question, which I think is yes or no. Is it fair to say that the 641
12 Houston is still in flux? It's not a done deal one way or the other.

13
14 Joe Giloley,
15 It's still in flux to the extend that the Montgomery housing partnership is continuing to
16 negotiate with the owner, but the price is still, to keep it affordable, to keep the rental
17 under the rent control scenario there's still \$45,000 off per unit.

18
19 Councilmember Perez,
20 Fair enough, okay. One final question. Loan assistance, that was one of your last slides.
21 What tends to be the profile of people who are coming in. And what should I tell my
22 constituents about this service so that people who are in at least the ball park apply and
23 people who aren't don't waste their time.

24
25 Elizabeth Davison,
26 You mean in terms of the property owners?

27
28 Councilmember Perez,
29 Yes. I think one of your last slides talked about the closing cost assistance program.

30
31 Elizabeth Davison,
32 Yes. That's money we give to agencies.

33
34 Councilmember Perez,
35 I just want to make sure I can give informed guidance to constituents so they don't
36 waste their time.

37
38 Stephanie Killian,
39 They're guidelines have changed recently, we'll make sure to get you an updated list of
40 guidelines from Housing Opportunity Committee.

41
42 Council President Leventhal,
43 You could share that with the whole Council.

44
45 Elizabeth Davison,

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1 But typically the issue is the price of the house which is usually the median sales price
2 for the County. So, this is something that was available to the general population.
3 Obviously it's not designed for upper and property and upper end households, but
4 certainly middle income or low to moderate income, as well, can apply through the
5 Housing Opportunities Commission. It's down payment assistance or closing cost. It's a
6 loan. It's not a grant. I believe it's 7,500, 10,000? It's gone up to 10,000 now.

7
8 Councilmember Perez,
9 It's a low interest loan.

10
11 Multiple Speakers,
12 Yes.

13
14 Councilmember Perez,
15 Thank you. I look forward to that other conversation. Appreciate your help.

16
17 Council President Leventhal,
18 Ms. Praisner.

19
20 Councilmember Praisner,
21 Thank you very much. I'll try to be brief so we can get back on schedule. I had one
22 comment and a question. On page 18 of the booklet, you list Great Hope Homes
23 Community Center under acquisition and renovation of threatened affordable
24 apartments. Shouldn't that item be listed under building neighborhoods to call home or
25 is there more there than the community center in the 450? 430, I'm sorry.

26
27 Stephanie Killian,
28 430 was for the community building. But we considered that part of the whole overall
29 acquisition and reconstruction of...

30
31 Councilmember Praisner,
32 Yeah, but in the packet, in the booklet, you discuss it under building neighborhoods to
33 call home. So it really isn't an acquisition. It's a brand new building.

34
35 Stephanie Killian,
36 It is, we helped finance the whole project...

37
38 Councilmember Praisner,
39 No, I understand that, but that came up other than here. And this was the construction
40 of the community building. I have a suggestion. I know we're going to discuss at other
41 times. MPDUs and all of those other issues. I just want to comment on a concern I have
42 and relate it to one of the items that you have up on your slide. In our enthusiasm to
43 move these initiatives forward and they are critical. In most cases, most of those that
44 you cited you are retaining and making more attractive existing structures. Existing
45 apartments, complexes, condominium, whatever they may be making them more

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1 challenging. But you're talking about existing buildings as opposed to building new
2 buildings. A couple of these are new buildings. For one, Grace House, which you
3 highlighted as being near leisure world. The concern I have is in the dynamic of making
4 the analysis of the projects. In order to make them viable as options. And this is in your
5 interactions with the private sector that comes forward with the proposal. We, as you
6 know, this is a combination site where you're talking about the Grace House. With the
7 assisted living facility. But it shares a site with an additional building that has already
8 been constructed for senior housing. In the enthusiasm to make these developments go
9 forward, we are looking at things like parking and making assumptions that we don't
10 need the parking that would be required under a standard requirement. In this case, this
11 development went through I think two reductions, if not the assisted and the other piece.
12 And the residents of that development are right now not just living with the construction
13 where a few parking spaces have been removed but they are living with the permanent
14 challenge of not having enough spaces for every unit. And there are a lot of seniors who
15 still drive. I raised this issue earlier in another meeting on another topic. But I really urge
16 you in the review of making the dollars work, we may make the dollars work for the
17 developer and not make the living conditions work for the residents once the developer
18 has moved on. That is a very challenging site. There is no alternative place nearby in
19 order to park your vehicles. There is another senior complex on East Randolph Road
20 with a similar challenge to the extent you have a chance to weigh in and review the
21 economics and comment with either Park and Planning or whomever, the state,
22 whomever is involved, we have to, I think, seriously re-examine ways in which we make
23 these developments viable economically for the developer, but exacerbate the
24 challenges for the people who are going to live there. Because there's no parking. And
25 these are the least likely individuals able to park a vehicle somewhere else and walk
26 back to the house. So, I hope we can continue to work together on that issue. I know it's
27 a challenge because we want the units built. But I think we want to build livable
28 communities as well. And this is a real problem. Mr. Andrews.

29
30 Councilmember Andrews,

31 Thank you. I have heard from constituent. And I know there are others out there who,
32 are renters who want to know as much as possible ahead of time about intended
33 conversions of apartments to condominiums. What kind of information does the County
34 have does HOC or Housing Community Affairs have about intended condominium
35 conversions? And how can renters get access to that information?

36
37 Elizabeth Davison,

38 We have a list. I think we've been providing it to the Council every few months. Their
39 intentions as far as we know from owners of properties. We're also in the process of
40 developing handbook on condominium conversion. Joe, do you want to talk about that?

41
42 Joe Giloley,

43 The only heads up that we get is at the same time that the owner would file public
44 offering statement with the secretary of state. We are considering doing in addition to
45 the handbook that's in its final draft is put on the departmental website. When we get

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1 notices, documents have been filed. Then we can promulgate that information on our
2 website.

3
4 Councilmember Andrews,
5 I think that would be helpful. Because then we can refer people to the website to check
6 the latest we know.

7
8 Elizabeth Davison,
9 As far as I can tell the condo conversions are slowing down some. So we haven't had
10 as many new buildings come to our attention as last summer and fall they were hot and
11 heavy. But it's slowed dramatically.

12
13 Councilmember Andrews,
14 I remember there being a long list that was, at least looking at it.

15
16 Joe Giloley,
17 We also have seen a number of large complexes that have sold within the last six
18 months. At what would appear to be a condo conversion price but in fact they have not
19 converted, and so there may be glut on the market, which is going to put a drag across
20 the board on it.

21
22 Councilmember Andrews,
23 Okay. Please let me know when you get it on the website. I'd like to refer people to that.

24
25 Elizabeth Davison,
26 We could probably get it up pretty quickly, next few days.

27
28 Councilmember Andrews,
29 Great, thank you.

30
31 Councilmember Praisner,
32 Thank you all very much. We have been rejugling things. But the School System was
33 due back at 2:00. They're all here, bright and shiny faces. Let's start with School
34 System's capital budget and invite the Superintendent and Board Vice President to the
35 table. Anyone else you'd like. And turn the mic over to Mike.

36
37 Councilmember Subin,
38 Thank you, Madam President. We have before us the Committee's recommendations
39 on the Education '07-'12 CIP. In the words of the famous Councilmember from New
40 Hampshire, any questions?

41
42 Unidentified Speaker,
43 That's a good way to do it.

44
45 Councilmember Subin,



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1 There being no questions.

2
3 Councilmember Praisner,
4 I don't see any lights, Mr. Subin, I guess we can move on.

5
6 Councilmember Subin,
7 I guess we can move on.

8
9 Councilmember Praisner,
10 I see a light. Ms. Floreen.

11
12 Councilmember Floreen,
13 I'm going to take that as tongue and cheek introduction to the school's Capital Budget.

14
15 Councilmember Praisner,
16 I don't think Mr. Subin really meant that it way.

17
18 [LAUGHTER]

19
20 Councilmember Floreen,
21 Okay, fine. My question is this. What's happening with Walter Johnson?

22
23 Councilmember Subin,
24 Walter Johnson, Ms. Floreen, I understand, is moving ahead. The bids went out on the
25 auditorium under '06 monies, about a month ago. And we should be moving on that
26 shortly as soon as those bids are received. The Committee recommendations, in terms
27 of the remainder of the Walter Johnson modernization are going to continue as the
28 School System has requested, and as we have the '05 to '10 CIP.

29
30 Councilmember Floreen,
31 I understand that the bids, that the System is dealing with an overage of significant cost
32 increase issue for the auditorium. And I'm afraid Walter Johnson has been the victim of
33 the renovating in place challenge which all high schools are going to be subject to in the
34 absence of a holding school.

35
36 Councilmember Subin,
37 Correct, we have no, and there are a number of issues that we have in here that deal
38 with that, there are no longer any holding schools for the high school. In fact there is
39 and [INAUDIBLE] project for Paint Branch High School to afford the school more space
40 for fields and other requirements. And one of the issues that we're looking at and just
41 quickly address because there was no way we could get into the detail is asking the
42 School System to see if we could do the Paint Branch rebuild as we've done Richard
43 Montgomery. The issue would be overage for the auditorium at Walter Johnson is no
44 different than the overages that we're finding across the board for School System
45 projects where in our heads figuring 20%, but the range of 17 to 20% inflationary cost,

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1 and one of the things that I was going to be recommending later is asking MFP if we
2 can work with OLO about having OLO do one of the budget review programs with
3 MCPS regarding school construction cost increases.

4
5 Councilmember Praisner,
6 It's been a while.

7
8 Councilmember Subin,
9 There's a 23% increase in this year's six-year CIP from two years ago and most of that
10 is ascribed to inflation and not your projects. So, you can see the impact is there and
11 the Board has been coming back and requesting supplementals for that. Now, there are
12 other projects in here where you're seeing higher increases. But those are projects
13 where you have the inflation and then there are additions, and as a lot of these
14 modernizations come to fruition, there are other issues that rise to the top. Well, again, I
15 have a question about what is going to happen with Walter Johnson. Because, I
16 understand that with the increased charges the System is looking at, you're looking at
17 delaying the renovation that was supposed to start by next week, I guess. The
18 auditorium project. The auditorium was bid out.

19
20 Councilmember Floreen,
21 It was bid out, and maybe Mr. Hawes can speak to that.

22
23 Richard Hawes,
24 The auditorium project was bid out. Our last FY 2006 funded project. The prices came
25 in much higher than we expected. Higher than 20%. We were meeting with the
26 contractor. We're trying to lean out the projects as much as possible. The contractor
27 suggested to us that if we rearrange the construction schedule somewhat. We had it set
28 up so they would start immediately and finish before the start of the school year which is
29 September of this year. They have told us that this is a very active market right now,
30 and they're not getting good prices because of that tight time frame. They've said to us if
31 we could change the time frame, starting July and have it completed in mid-year or
32 sometime around January/February of next year, they feel like they could substantially
33 reduce the price of the project. So we had them come back with a revised price for that.
34 Once we have it, we're going to make a recommendation to the Superintendent, who I
35 know is going to make a recommendation to the Board, that we come over and ask for
36 the additional money that we need so that we can move forward with the auditorium
37 project. The only difference will be it will be finished a little bit later than what we
38 anticipated.

39
40 Councilmember Floreen,
41 Well, and this is my concern about the Systems approach to high school modernizations
42 on-site where the price, let's agree the price has been going up. And as you get started
43 you identify other things that need to be dealt with. And I am just very concerned.
44 They're the first one, as I understand, on the list of those schools in that category of
45 treatment. And I think the Committee has recommended some attention to that issue

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1 based on my perusal of the packet. But I wanted to highlight this because it's changing,
2 schools understanding of what they can expect. They have longstanding issues that
3 need to be addressed. And they're grateful for the first steps that have been undertaken
4 to modernize the schools, but they've got many other structural issues to be dealt with.
5 And I am concerned that once you delay the first part, you're going to delay the next
6 segments of the project and that will be the pattern, frankly, for all the schools in the
7 cycle.

8
9 Councilmember Subin,
10 I don't think there are any other parts that are dependent upon this piece being...

11
12 Richard Hawes,
13 No, this -- we're not supposed to start the classroom...

14
15 Councilmember Floreen,
16 I'm not the optimist you are, Mr. Subin.

17
18 Councilmember Subin,
19 This is a technical issue. There are no other pieces who are dependent upon the
20 auditorium -- from a technical standpoint you cannot do the auditorium and get
21 everything done on time. You can do the auditorium six months or a year late and it
22 won't have any technical impact on the others. Where as there are a lot of other projects
23 where the pieces are sequential. This, the auditorium is not.

24
25 Richard Hawes,
26 This is not going to have a domino effect on the classroom modernization. We had a
27 year between now and when we start the classroom modernization. We're not supposed
28 to start that until September of 2007. September, 2007, that's correct. So we can get
29 this work done, keep the classroom modernization on schedule. We've got the gym as
30 the next phase, which we're looking to bid next spring. But we want to bid that with
31 some flexibility. So if the contractor says it's more cost effective to fold it into a
32 classroom modernization, we can do that. But the auditorium can move ahead without
33 impacting the next phase, which is the classroom modernization piece.

34
35 Councilmember Floreen,
36 Well, I'm just concerned that this issue will continue to afflict the school. I assume it's
37 going to.

38
39 Richard Hawes,
40 A lot depends on where the market goes from this point.

41
42 Councilmember Floreen,
43 All right. Well, we're driving it, aren't we to a certain degree?

44
45 Councilmember Praisner,

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1 Dr. Weast, did you want to comment?

3 Dr. Jerry Weast,

4 Yes, I did. I think this is a healthy discussion that relates to the discussion we were
5 having this morning. These are not cost overruns as they have sometimes been
6 depicted. They're happening in all the schools, they're happening in all the County
7 projects, they're happening in the surrounding county projects, and they're happening in
8 the Virginia projects. In fact ours is a little better than theirs. Nancy, what we're going to
9 try to do is keep these on schedule as quickly and as appropriately as we can, because
10 they're all needed. We didn't get a person come to a hearing who said that one, we
11 weren't doing it enough, fast enough, on any of the projects and that they wanted to
12 move forward with a great deal of speed. Mr. Subin talked to me personally about that
13 particular project that you're bringing up, Walter Johnson, over the last several months
14 and we've been trying to do everything we can to keep to close as schedule as we
15 possibly can considering these market forces. But there is a group out there besides the
16 teachers, the students and the parents, it's called the taxpayers. And we are trying to
17 balance their interests, because about 75% of the people who are in this County have
18 no kids in school. And they're concerned about taxes and properties and cost, and we're
19 trying to keep all of that in relationship. I have no doubt that we will be back and I will be
20 making a recommendation to you in a short period of time, probably just a matter of
21 weeks, for a supplemental on Walter Johnson. I'm just trying to size what that amount
22 is. I'm trying to bargain through our agents the best bargain for that amount before we
23 come back.

25 Councilmember Floreen,

26 I understood that was likely to come along. That would be for '06 or '07?

28 Multiple Speakers,
29 '06.

31 Dr. Jerry Weast,

32 Mr. Subin has reminded me many times -- you must be talking to him -- that we want to
33 keep that one going in '06.

35 Councilmember Subin,

36 Nancy, that issue first came up as a potential problem with the initial delivery of the CIP
37 and our discussion was this was an '06 project and we need to get it moving in '06.

39 Dr. Jerry Weast,

40 That is correct.

42 Councilmember Floreen,

43 But I don't -- it's not going to get moving until '07?

45 Dr. Jerry Weast,

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1 It'll probably be moving when I bring you back a supplemental, and if you approve the
2 supplemental. That's why we have got to continue to try to keep these things on the
3 time frame that they were promised to people.

4
5 Councilmember Praisner,

6 As I understand the comments that Mr. Subin is making though, they are a repetition of
7 issues that we looked at in the past and they are going to look at again, which is both
8 the cycle and the construction cost issues. I can remember having a meeting with Mr.
9 Subin -- the MFP Committee and the Education Committee -- with contractors talking
10 about the fact that there our schedule drives, in some cases, costs, because this is the
11 prime building time. And if we could stretch out the construction and do it a little more
12 creatively, it might reduce the increases. But that the issues we're talking about are also
13 material costs. There is a workforce issue, there is a schedule issue, and there is also a
14 cost of materials issue. The point Ms. Floreen is raising is the bigger issue. And relates
15 not just to Walter Johnson but relates to Paint Branch and all of the high schools which
16 are coming after these schools. And to the extent there is land available as part of the
17 project evaluation and consideration that may provide a way to ease the modernization
18 in place issue. But having eliminated with the opening of Northwood, the holding school,
19 the only holding school for a high school in this country, we face challenges over the
20 long run. Not just for these schools that are in front of us now, but for what we'll do 15,
21 20 years from now when some of these buildings will need a second cycle. And the
22 question I have in that conversation and that iteration is we didn't talk about until the
23 Walt Whitman project which was a structural problem with the "where" and "how" the
24 building was built in the first place. Speed to build has other problems associated with it.
25 I didn't like walking in the basement of that facility, the original Whitman facility, and I
26 dreaded the potential risks for people walking up above. So the Board of Education at
27 that point came to the Council for a different reason and said we should replace that
28 building. We are now replacing buildings more frequently for different reasons related to
29 cost issues. But also the challenge of modernization in an existing building. Having
30 been a Board member through litigation of trying to have students on-site I understand
31 and supported what we've done with Walter Johnson, but it has challenges as well. I'm
32 not sure there is in every high school that we are going to be looking at the capacity to
33 look somewhere else within its footprint topography to find another location. And I'm not
34 sure if we do this on a right cycle -- correct cycle -- that we can justify tearing down a
35 building and building a new school every time we get to a modernization. Now, maybe
36 the needs will not have -- justify that kind of draconian need to modernize in the future,
37 but who knows. That will depend very much on how long the cycle is, it seems to me,
38 and how well we do with PLAR asset maintenance issues, which are also discussed to
39 some extent in this packet. I think we need to look at that issue. It's going take weaning
40 the public away from an expectation that every look at a building is automatically a
41 brand new building. If we're talking about asset in a different way. Of course, Baltimore
42 County does renovation and looks at pieces, rather than a brand new building and has
43 been doing this for a good 10, 15 years. It may be something we need to look at. My
44 question is one that I think we need to know about. You've already been asked this
45 question -- if Mr. Hawes doesn't have it, from Mr. Faden's direction -- on the issue of

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1 long-term. Are these sites that -- where our schools are such that we can continue to do
2 what we've done at Walter Johnson and what we in all likelihood will do at Paint Branch
3 and what we are doing right now at Richard Montgomery? And if not, what are we then
4 needing to tell the community now about the future of high school modernizations in this
5 community? I think that's part of Ms. Floreen's concern about Walter Johnson and in
6 place, as well as making sure it stays on track. With the ALAR -- I'll come back to you --
7 With the ALAR on Paint Branch though, the whole idea of acquiring land was to
8 increase the fields. So I would assume that as we look at this option, more fields net in
9 the end for the general area in essence park fields. Non-School System fields would still
10 be an outcome.

11
12 Richard Hawes,

13 That was the intent, Ms. Praisner. We finished the project, we'd have a high school that
14 would serve the community for the next 40 or 50 years and additional play fields for the
15 community.

16
17 Councilmember Praisner,
18 Right. Okay.

19
20 Richard Hawes,
21 A combination of the two would be the best solution.

22
23 Councilmember Praisner,
24 How will you do that in that area? Ms. Floreen you had more...

25
26 Councilmember Floreen,
27 I want to continue. I'd like to ask the School Board and the Education Committee if you
28 can -- to look at -- establish a policy if you don't have one, as to the criteria that are
29 going to be used in advancing, keeping these on-site modernization programs on
30 schedule. And understanding that the way -- I don't disagree with the choices that have
31 been made but I think the message to the school community on these things needs to
32 be clear. And once that you're in the line, the System appreciates the need to budget for
33 unexpected contingencies. And the challenges that you're gonna continue to face on
34 these partial renovation projects that ultimately will create a grand new environment, but
35 are difficult to live through in the meantime. I think this is just the beginning of that
36 experience and there's no way to predict how it will go. But I do think the prospect that
37 school communities face right now of uncertainty as to the likelihood things will get put
38 off is a real challenge, and one we have to face up to.

39
40 Councilmember Subin,
41 We discussed and are looking at a new system of maintenance and building
42 modification that hopefully will answer those concerns in the long run. We're not 100%
43 sure we can get there yet, but it will do two things. One is put the distance between a
44 modernization and modernization off, but also allow you to address a lot of emergent

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1 needs, new needs, modifications, renovations, rehabilitations to facilities in the long run.
2 It's actually a combination two new pieces that we're looking at in the budget.

3
4 Councilmember Floreen,

5 Well, I think that's helpful and will be useful for the community in order to follow along. I
6 think we need to exercise all due haste in getting Walter Johnson back on track. I was --
7 I wanted to understand also, in terms of the County Executive's revised CIP, does that
8 mean then that everything proposed by the School Board is allowed to continue on the
9 schedule that they had initially proposed?

10
11 Councilmember Subin,
12 Yes.

13
14 Councilmember Floreen,

15 The reason I ask that is because after hearing of the Walter Johnson situation, which I
16 know has gotten delayed, I didn't know if there are other schools in a similar category.

17
18 Councilmember Subin,

19 No. That was the last of the '06 projects. We'll be starting on '07 in this budget and on
20 July 1st. So any cost increases have been -- any anticipated cost increases are
21 accounted for in the CIP that is before you. So this should be the last piece. And I think
22 what Ms. Praisner was saying is what Mr. Hawes was suggesting, which was changing
23 the timing of when the construction was undertaken to get it out of the height of the
24 construction season when folks will take a little bit less to keep the project. We did that a
25 couple of years ago when we just stopped everything and said, "Y'all come back with
26 bids in six months." And that worked. That should be one of the things that if the Council
27 okays the suggestion for the OLO report, that they would look at also.

28
29 Richard Hawes,

30 I just want to remind everybody, we have completed 2 1/2 of the initial phases for Walter
31 Johnson modernization. We built the addition. We expanded and modernized cafeteria
32 and media center. We did have a little bit of flexibility here as far as the auditorium is
33 concerned because you had almost a year and a half between that phase and the next
34 phase which is the gym and the classroom addition.

35
36 Councilmember Floreen,

37 Yeah, yeah. No, I appreciate that but it's a burden for the community to experience over
38 time when nothing ever appears to get finished.

39
40 Councilmember Subin,

41 I could all suggest the ability to save money here that rather than do this on time and
42 put it off so it's done for the amount that we expected, not impact any of the other
43 sequential pieces here, will also allow us to have money to do things such as looking at
44 the portable replacements of Council President and I are discussing with the Board.

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1 Because that is going to take money that is not in the budget. So there clearly are some
2 tradeoffs here.

3
4 Dr. Jerry Weast,

5 Right. I'm glad you said that, Mr. Chair. In the last three CIPs -- and that's six years --
6 and you do a full CIP every two years, we have never been able to predict from one to
7 the next what the scheduling would be. We have had to stop for a period of six months,
8 we had to -- actually one time between the two go down \$30 million. We have had
9 intermittent money from the state that went up and then went down. And so it becomes
10 very difficult to give clarity where ambiguity is the rule. And I doubt if we're going to --
11 and we have looked at what Ms. Praisner and Mr. Subin have done before with OLO at
12 least three times in the last five years. And we have not found a successful solution to
13 any of these issues. It is a multifaceted thing that comes at us. One of them -- I think
14 you outlined all of them except one and that is the new one that's on the horizon, the
15 cost of money. And as the cost of money goes up, that is added into the contracts and
16 the cost of fuel. As electricity goes up in your home and goes up for that contractor
17 building and the cost of petroleum -- we're gonna hit about three bucks on gas before
18 long. I filled up little Toyota yesterday and it cost me 40 bucks. So I think we're going to
19 see a time where we're going to have to make some very difficult decisions.

20
21 Councilmember Floreen,
22 No question about that.

23
24 Dr. Jerry Weast,

25 But you're lucky this one is the last project of '06. I think we are going to get this one
26 through although we'll be back for a supplemental on it.

27
28 Councilmember Floreen,
29 We'll see that in a couple of weeks, Mr. Hawes?

30
31 Dr. Jerry Weast,

32 Won't be a couple weeks, it'll be...

33
34 Richard Hawes,

35 It'll be May the ninth.

36
37 Multiple Speakers,
38 [INAUDIBLE]

39
40 Councilmember Floreen,
41 Scheduling. Okay. Thank you.

42
43 Councilmember Subin,

44 Mr. President, might I suggest that the Council allow me to yield for a few moments to
45 the Chair of the Public Safety Committee. I see Judge Harrington is here. We're about 4

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1 1/2 hours behind on this budget. And I know she's going to need to get back across the
2 street.

3
4 Council President Leventhal,
5 If that's agree to the School System we can get through, I think, Judge Harrington's
6 piece quickly. If it's agreeable the System will try and wrap up the Judicial Center Annex
7 in five to ten minutes if Councilmembers will oblige.

8
9 Richard Hawes,
10 I'm not going to argue with the Judge.

11
12 [LAUGHTER]

13
14 Councilmember Subin,
15 Me, too, Mr. Hawes.

16
17 Judge Ann Harrington,
18 Thank you.

19
20 Council President Leventhal,
21 Okay. Well, you're welcome, your honor. Come on up. Judge Harrington and any
22 others...

23
24 Councilmember Praisner,
25 Approach the bench.

26
27 Council President Leventhal,
28 Mr. Silverman has a point of personal privilege.

29
30 Councilmember Silverman,
31 Madame Clerk, I was out of the room briefly during the supplemental appropriation on
32 the Housing Initiative Fund of \$4 million so I'd appreciate being noted as supporting it.

33
34 Council President Leventhal,
35 Okay. Regarding the Judicial Annex Project, looks like the Chairman of Public Safety is
36 consulting with staff. Chairman Andrews...Mr. Andrews, did you want to make a brief
37 presentation?

38
39 Councilmember Andrews,
40 Yes, sure. Good afternoon. Well, when we last talked about the Judicial Center we
41 talked about the fact that all the courtrooms are in use and we have the gray courthouse
42 in use, the red brick courthouse is now in use as well. As the packet notes, this is a
43 problem. And we are dealing now with the need to catch up and move this project
44 ahead. I was wondering since this situation was described as "suboptimal," I was
45 wondering if the President had ghost written this packet. But it is a suboptimal situation

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1 and the court has been scrambling and making due with this. With the Circuit Court
2 operating out of three buildings that is an inefficient way to operate. We need to move
3 forward. The Committees met on this and there's been a change in thinking by the
4 Executive branch about how to approach this project. And the recommendation now is
5 to design it and construct it in one phase rather than two. And that will provide more
6 ability to accommodate the need to renovate the HVAC system in the current Judicial
7 Center, which is a problem. And we obviously have to have a place for those
8 courtrooms to go. So, the idea is to coordinate those two major projects and make sure
9 that we don't just have a virtual design or conceptual annex but that we have a physical
10 annex that can house the current court rooms while the current Judicial Center is being
11 renovated and HVAC system being worked on. So the recommendation of the
12 Committee is to take the updated design costs, which is just under \$10 million and
13 scheduled to start in this coming year and construction starting in FY '09 or '09 and
14 finishing in '010 to combine the updated design cost with the FY '05 assumption for
15 construction, which was approximately, at that time -- what was it, 40 or 47, Linda?

16
17 Linda McMillan,
18 The total cost was just under \$48 million...

19
20 Councilmember Andrews,
21 Including the design at the time.

22
23 Linda McMillan,
24 But just to clarify, that was for design of the full annex but only construction of one
25 phase of the annex.

26
27 Councilmember Andrews,
28 Right, that's right. The current estimated cost for the total project, which would include
29 23 courtrooms, is in the range of between -- and this is a wide range, clearly -- \$120
30 million and \$170 million. So, it's a big figure. The County Executive did not put any
31 funding for construction in the recommended CIP at all. The Committees felt we could
32 not leave a -- a gap that was that large that did not recognize there were tens of millions
33 of dollars needed for construction. The Committees are recommending we show the
34 construction funding that was in the current CIP and add the latest design costs. That
35 would bring it up to a little over \$50 million -- \$50.4 million, I think, that we would show in
36 this PDF with a note that it is not expected to be enough for what the construction costs
37 would be, note that the estimated construction cost is \$120 to \$170 million, or a total
38 cost. And note that this will have to be addressed in the next CIP or perhaps with the
39 reserves at a future time. But we felt we needed to move forward with this. We didn't
40 want to see any delays so design can continue. We will have the construction funds in
41 there at least to get it started and come back to this soon and will ask that the Executive
42 branch and Judicial branch work closely together and provide us with quarterly reports
43 over the next year so that we can see -- keep track of it and work to make sure that it's
44 on target. So, that's the summary of the Committee's recommendations.

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1 Council President Leventhal,
2 Thank you, Mr. Chairman. Ms. Praisner?

3
4 Councilmember Praisner,
5 I just wanted to comment that we had a joint discussion of this issue because MFP has
6 the core responsibility and the issues, meaning the Rockville Core, and the issues
7 associated with the annex are growing, from a standpoint of the issues associated with
8 the Judicial Center, period, and the issues associated with the Executive Office Building
9 -- Council Office Building. I would just comment, I'm sorry folks from the School System
10 left. I know they will be back, but the point being that the issues of escalating costs and
11 the magnitude of unknowns grow not just in the School System, but grow in other areas
12 of County budgets. And the problem with where we are now is that the Executive hasn't
13 provided adequate funding in the out-years, unallocated, in essence, in a lockbox, if you
14 will. The lockbox may not be locked and it's not big enough from a standpoint of a needs
15 that we will have at that point in time. That's why the Committee wanted to show the
16 money associated -- both Committees -- the funds associated with this project, but
17 knowing whether it's a school project or this project or a road project or any of the other
18 construction projects we have for buildings, the funds do not fit our expectations and
19 there are going to be challenges in the out-years, as much as there are challenges right
20 now. And so the whole prospects of what we're facing are not necessarily pleasant.

21
22 Council President Leventhal,
23 Okay. If there is no objection, the joint Committee recommendation for the Judicial
24 Center Annex CIP are approved. Thank you, Judge Harrington.

25
26 Councilmember Andrews,
27 Thank you, Judge.

28
29 Multiple Speakers,
30 [INAUDIBLE]

31
32 Councilmember Denis,
33 Thank you, Mr. President, I'd like to be recorded in the affirmative on the Housing
34 Initiative Fund, special appropriation.

35
36 Councilmember Floreen,
37 And if you could include me in, as well.

38
39 Council President Leventhal,
40 So, we would add Mr. Denis, Mr. Silverman, and Ms. Floreen on that vote in the
41 affirmative.

42
43 Councilmember Knapp,
44 Add me too.



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1 Council President Leventhal,
2 And Mr. Knapp.

3
4 Councilmember Subin,
5 And me.

6
7 Council President Leventhal,
8 And Mr. Subin. Was anybody here to vote? Yes, we had a quorum. We did have a
9 quorum.

10
11 Councilmember Perez,
12 I was not going to vote for it. Then you gave an impassioned speech and it turned me
13 around. It was a great speech.

14
15 Councilmember Subin,
16 You know, I'm so tired, Mr. Perez, I'm glad you reminded me.

17
18 Councilmember Perez,
19 Yes, thank you.

20
21 Council President Leventhal,
22 So, we're back on the School System CIP. Chairman Subin?

23
24 Councilmember Subin,
25 Okay, if there weren't any other preliminary questions, that will get me back to the
26 summary on the first page. There are five projects that the Committee was looking at in
27 the event that, for whatever reasons, the appropriations came up short this year. We
28 were not able in the CIP to meet the School System's expectations in which we could
29 change or defer some or parts of these projects with the school gymnasium, Redwood
30 Middle, Ridgewood Middle, Building Mods and program improvements, which is part of
31 the issue which Ms. Floreen was asking questions about and technology modernization.
32 That was in large part due to the fact that at the time the Committee met, the legislature
33 had approved \$21 million or so of our \$30 million requested from the state and school
34 construction monies. However, I am informed, that as of a very short time ago, the
35 House and Senate both concurred on a \$40 million school construction appropriation for
36 us this year. So, Ms. Floreen, I think you can take care of your auditorium.

37
38 Councilmember Floreen,
39 Good, we'll let the Walter Johnson community know, thank you.

40
41 Councilmember Subin,
42 The modernization program, which I will get into in greater depth later, is already
43 prioritized and any deferrals of even one school has long-lasting impact. Any changes
44 would do that and that is the issue of the queue. In terms of relocatables, which we will
45 discuss at probably great length later, relocatables are put in places to accommodate in

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1 some part, not completely, over-enrollments. And we look at those priorities based on
2 utilization rates and linkages to other projects. So, that will impact how long a portable
3 will need to be there. But we are, as I discussed earlier -- the School System is coming
4 in with \$2.1 million request to reduce number of portables and replace the sick ones as
5 we heard from the Bells Mill folks. And the Council President and I are talking with
6 school staff about expediting the entire process addressing the portables. And we do
7 have four projects right off, in addition to the OLO piece -- or as part of the OLO piece,
8 also, which is a Systematic Life-cycle Asset Replacement Program. That's really POR2.
9 We will get that that in greater depth later. We are going to be looking at issues
10 regarding indoor air quality, specifically starting with Washington Grove Elementary and
11 the portables and we were going to address state aid with the County Executive and the
12 Board, but at least for FY '07 and the appropriation from the state for school
13 construction, that is not an issue. However, there is an issue with \$14 million in
14 reversions that is hanging over our head and we need to figure out a way to deal with
15 that. The overview of the entire budget starts on page 2. This budget is a 22% increase
16 over last year's budget for the six-year CIP. About 20% of that represents simply
17 inflationary costs and keeping up. There are some additions, some small scope
18 increases, but that compares nothing with the 51% that we saw two years ago with the
19 '03 to '05 CIP. In this CIP, we're looking at basically just keeping things on track, looking
20 at some minor scope increases. Some of the major pieces of the CIP by geographic
21 area, in the Upcounty we're looking at the Clarksburg Area High School to open in
22 August of this year, The Clarksburg/Damascus Elementary School to open in August of
23 this year. The Clarksburg/Damascus Elementary School to open in August of '09. And
24 Northwest Elementary to open in August of this year. Downcounty, we're looking at
25 Roscoe Nix Elementary School for the Northeast Consortium, August of '06.
26 Connecticut Park Elementary re-opening in August of '06. Arcola Elementary reopening
27 in August, '07.

28
29 Dr. Jerry Weast,
30 Mr. Subin.

31
32 Council President Leventhal,
33 Dr. Weast.

34
35 Dr. Jerry Weast,
36 The Connecticut Park was named last night R. Sargent Shriver.

37
38 Councilmember Subin,
39 Ah. Thank you for that information. There will be two new elementary schools required
40 for the Downcounty consortium, one at Indian Springs a result of the sale of the golf
41 course. We do not know when it will be necessary, but the planning is being looked at.
42 And re-opening of McKinney Hills also to be determined. In terms of additions for this
43 six years, we're looking at 309 new classrooms either as part of modernization or stand-
44 alone projects. There are new additions planned for Ashburton Elementary, Fallsmead
45 Elementary, Luxmanor Elementary, Stedwick Elementary, Washington Grove

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1 Elementary, and Wayside Elementary. And there are future modernizations coming out,
2 the future mods program at 19 elementary schools. Again, I will talk about the mods
3 again later on. In fact, I will do that now. That's on Circle 30. And what Circle 30
4 represents is we were talking earlier this spring about "the queue" and that is the queue
5 that is the schedule of schools to be modernized and when they are to be modernized.
6 That list has fundamentally been there since 1989, but was formalized with some
7 updated assessments in 1986. And the queue is determined by something that we have
8 not had to deal with for a number of years, and that is the fact score. And the fact score,
9 the lower it is, the sooner you're going to get your modernization. It's -- there's a
10 possible 2,000 points, it's broken into two parts. There is an Ed Specs piece and there is
11 the condition of the facilities piece. The Ed Specs piece looks at how do you compare to
12 other schools that have been built and modernized lately in terms of the educational
13 specifications and the ability to deliver education as the System would want it to be
14 delivered. The other thousand points are based on the condition of the facility. The
15 lower the points, the worse the school, in fact, is. The worse condition it's in. That ended
16 up being the -- back in 1989, the driver for the PLAR program, the HVAC PDF and the
17 Roof PDF, because what the Council found out back in '88 and '89 were -- were two
18 things, neither of which it was very happy about and the School Board at the time -- and
19 I believe Ms. Praisner was on it -- was also frustrated about, was the fact that
20 communities were going after communities in terms of who was going to be modernized
21 when. And what was actually happening, there were what's today is considered critical
22 health and safety issues, which weren't being addressed. They weren't being addressed
23 because people realized, well, if I have my roof fixed, then my "fac" score goes up. If my
24 "fac" score goes up, then I'm going to be modernized that much later.

25
26 Council President Leventhal,
27 Could I ask a question about that, Mr. Chairman?

28
29 Councilmember Subin,
30 Yes.

31
32 Council President Leventhal,
33 Are we still doing Little Darlings? Does that factor into this?

34
35 Councilmember Subin,
36 Little Darlings will be -- is not officially in place. It's being looked at and it will be looked
37 at as a part of the SLAR and the school renovations -- The Systemic Life Asset
38 Replacement -- which is -- there's PLAR 2, which was Planned Life-Cycle Asset
39 Replacement.

40
41 Council President Leventhal,
42 When we did the additions, they did not have the same effect you're describing with the
43 new roof?

44
45 Councilmember Subin,

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1 The additions would not have. Little Darlings additions would have put the additions on
2 because the modernizations were being put off. And what was happening was the roof
3 and HVAC costs to the old part of the facility were going up because the modernization
4 program was -- for that school was being delayed. But it was -- the Little Darlings in
5 essence would have said "We're not going into when we need to with the
6 modernization, the population is in extremis. If we need to address it anymore with
7 portables, we're not going to be able to do it. So, we will have to pull the portables and
8 put in the additions." But that was -- is still a piece that is undesirable, which in the case
9 of all schools, but especially elementary schools, you're putting additions on and doing
10 the construction on-site with the youngsters there and we don't like that. Like we're
11 doing at Garrett Park now.

12
13 Council President Leventhal,
14 Was there a separate queue for the Little Darlings?

15
16 Councilmember Subin,
17 No, there never was. Little Darlings never really went into effect -- Little Darlings was
18 put into the books the year where we had to put all the modernizations off because we
19 didn't know when we were going to be able to get them started again. And so Little
20 Darlings was the fallback to address places, especially like Farmland, where the
21 addition had been put off and put off because of the modernization.

22
23 Council President Leventhal,
24 That was an emergency contingency to address really, really bad situations. It's not a
25 policy in place throughout the County?

26
27 Councilmember Subin,
28 No. No, but what it is evolving into is being folded into this new concept of the Systemic
29 Life-Cycle Assets Replacements, along with throwing in the Heating/Ventilating and Air
30 Conditioning PDF and the Roof PDF so we can better address those situations where if
31 you look on here, with the lower numbers and the to be determined, and the later
32 modernizations.

33
34 Council President Leventhal,
35 Could I ask one more unrelated question? I'm going back to the beginning of the packet
36 very quickly. What is the status of the green building description of some of the new
37 schools that are coming online? How close are they to achieving a lead standard?

38
39 Dr. Jerry Weast,
40 We're trying. Dick can give you a specific answer, but from our vantage point -- from the
41 Schools' vantage point -- we're trying to push everything we can to green and the full
42 status. Going back, though, I wanted to talk about the last question you had a little bit,
43 the Little Darlings. Little Darlings is a by-product of intermittent funding and that's what
44 we've gotten into every year for about every other year. And that's we have a very
45 ambiguous funding source that causes us to lack to be able to talk to our parents about

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1 clarity of when their job is going to be done. And when we had to put off, because of
2 money -- we were not able to come up with the money -- these projects that were
3 starting to collapse into each other, that's when you became -- because we said that
4 was going to cost more, do to the addition and then the modernization later, that was
5 going to increase cost. That's why it's so confusing when you try to follow the yellow
6 brick road of our CIPs, because they are a by-product of the funding mechanism. It isn't
7 a need mechanism because that's there. We can easily organize that and put it into a
8 logical order, whether anybody agrees, but as that need mechanism gets set, then we
9 have a six-year funding mechanism and we've never been able to have one six-year
10 funding cycle that didn't get interrupted every 18 months. And that's what we are living
11 in fear of right now. We believe that the forces are massing at the border one more time
12 on the funding mechanisms.

13
14 Council President Leventhal,
15 Ms. Praisner, you wanted to follow up on that?

16
17 Councilmember Praisner,
18 Well -- but you have to also add that the School System has modified its CIP
19 periodically, as well, by introducing new initiatives. Whether they are expensive or not, it
20 isn't as if we have a brick structure that we only have an issue of money. The other
21 issue is that things get added which become priorities and also effect the scheduling
22 and where money goes. It isn't just a money issue.

23
24 Dr. Jerry Weast,
25 No, it isn't just a money issue, I want to agree with you. Half of that "Fac" score is bricks
26 and mortar and time and those kind of things. Part of that is the cost of money and the
27 cost of materials and what the state is doing to support that. Because they've changed
28 the formula. The other half is the education. I believe that nobody here on this side or
29 this side of the table makes any apology about moving to lower class size, about
30 adding all-day kindergarten, about adding more day care, about adding slots for early
31 childhood education. I'd like to see universal -- more 4-year-olds and helping to do
32 things for kids with special needs. All of that amounts to increases in space that we
33 have driven ourselves through the educational program. That is correct.

34
35 Council President Leventhal,
36 Okay, could I ask for like a two-minute update on the status of the new schools, are they
37 uniformly at the same level with respect to energy efficiency and environmentally
38 appropriate technology? Are some more green than others? Just a short...

39
40 Richard Hawes,
41 I will give you the brief answer. With the two new elementary schools Upcounty,
42 Northwest number 7 and Clarksburg number 7, we applied for solar certification on both
43 of those schools, just to get some experience as to what those incremental costs are.
44 We ended up with basically certification for both those two schools and we have

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1 incorporated design standards for all new and modernized schools and we'll get a basic
2 certification. And then...

3
4 Council President Leventhal,
5 So, they're all at the same level then?

6
7 Richard Hawes,
8 They're all at the same level. We will make individual decisions on each project, whether
9 or not we want to do the incremental things to go beyond the basic re-certification.

10
11 Council President Leventhal,
12 I just want to share with you, and particularly with Mr. Omidvar, the District of Columbia
13 Council is considering taking a bill to take the rulemaking in District government so for
14 the District projects it wouldn't be necessary to get the green buildings Council in from
15 outside and certify the project, that the District government itself would do that. I am
16 hoping -- I don't know if Kathleen Boucher is anywhere nearby -- but I hoping to have
17 legislation soon introduced before the Council to take the same step here in
18 Montgomery County, and looking forward to seeing that as soon as it's drafted. Mr.
19 Perez?

20
21 Councilmember Perez,
22 Along these lines, later this year we will have to renew a stormwater permit -- every five
23 years we renew this to ensure compliance with the Clean Water Act. I think we're
24 getting a briefing on this in in the T&E Committee in roughly a month or so. And one of
25 the issues that affects the quality of our drinking water, the quality of the Chesapeake
26 Watershed, et cetera, is development. And so my -- my question for you is what are --
27 how much is the issue of this permit on the radar screen of MCPS and what are you
28 doing to address the issues of low-impact development, which are first cousins, but not
29 necessarily a blood sibling of the green building design. We have an opportunity now to
30 set some real goals and hold ourselves accountable.

31
32 Dr. Jerry Weast,
33 It is definitely on our radar, that's number one. It is definitely a cost item to us. And it has
34 two parts, what we're going to do, and what we haven't been doing. And the what we
35 haven't been doing is a very good job of keeping up with the stormwater management
36 issues and that's, again a by-product of costs. And we've been trying to work on
37 addressing that and we have to debate as we put together these CIPs that whole issue
38 each and every time. It is a matter of trying to increase the standards so we can have
39 green buildings, trying to handle the stormwater, trying to deal with the costs and
40 keeping the things on time. Trying to deal with lack of holding schools and trying to do
41 that with the children sometimes in place. That is something that is of very big concern
42 to us from an environmental point of view. We've started to do things like that and Dick
43 can tell you about those.

44
45 Richard Hawes,

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1 Well, just, you know, as far as the impact development, recycling stormwater to for use
2 of irrigation, we're looking at that as part of the new building standards. As far as
3 existing buildings, we have to be sure that our water quality structures, our infiltration
4 trenches, and all those things are working the way they're supposed to, and that's what
5 Dr. Weast was talking about. We're going through now, looking at that to see what we
6 need to do to be sure we're treating our water properly.

7
8 Councilmember Perez,

9 And I certainly appreciate, Dr. Weast makes a good point, there are obviously cost
10 implications to everything, but one can argue that there are cost implications to not
11 doing things. So, we have an opportunity right now as we're preparing to renew this
12 permit to get off the dance floor and onto the balcony. This is not a conversation limited
13 to you, I'm having the conversation across all units of government, to talk about how we
14 can be better environmental stewards, given the opportunity point we have right now.

15
16 Dr. Jerry Weast,

17 I'm one tickled you're bringing this up and I'm tickled, Mr. Leventhal, that you're bringing
18 up the green schools. I'm very tickled you're bringing up keeping it on time. These are
19 the issues we're dealing with as we try to balance out as we bring the CIP to you that
20 are complex and sometimes maybe not spoken about as often as we need to. And
21 that's why when we listen to the community -- we have to listen to the community and I
22 think that is important. But we also have to listen to the taxpayer and then we have to
23 listen to these obligations that we have for the environment, for the water supply, and
24 for the commitments that have been made either by this Board or Council or prior
25 Boards and Council about when your building is going to get built. So, that all figures
26 into it.

27
28 Councilmember Perez,

29 This example is a perfect reason -- a good illustration of why we have this newly-
30 created Keith Levchenko let environmental working group. It cuts across DPWT and
31 every entity of County government. And I think this is an issue that is ripe to use, Keith,
32 as a testing ground to show what we can do in that area.

33
34 Council President Leventhal,

35 Yeah, I've been meaning to ask this green buildings question, but I was reminded when
36 we talked about life-cycle cost because on all of these issues, although we appropriate
37 money in a six-year framework, these schools are going to last a lot longer than six
38 years and the long-term savings that we achieve through employing smart technology
39 now are very, very significant and certainly on stormwater, you know, it's going to cost
40 us a lot more later, if the school floods or causes damage to other properties. Mr.
41 Knapp?

42
43 Councilmember Knapp,

44 I just wanted to add my two-cents into the environmental approach of building new
45 schools and as you take this approach, I know we've had fits and starts with it, I think

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1 that the community is very excited -- the community broadly-defined. As we get through
2 this with both Clarksburg -- it's Little Bennett, right -- Little Bennett and Great Seneca
3 Creek. I think it's important to...

4
5 Unidentified Speaker,
6 That's "crick."

7
8 Councilmember Knapp,
9 ...to understand how we kind of manage that expectation and what exactly it is...

10
11 Councilmember Praisner,
12 [INAUDIBLE].

13
14 Councilmember Knapp,
15 ... what exactly it is that we're doing. Because I think there is real enthusiasm and
16 excitement in the community, but there is also a lot of confusion as to the various levels
17 and what the expectation can be and so I think it's important on the front end to really
18 make sure that we're managing that well and to take kind of the experience from these
19 two schools and really be able to talk more broadly about it, both back and forth to the
20 Council, so we can be more conversant in it, but really as we engage each of the
21 communities. It is exciting and neat, but I know we've gone through various undulations
22 as people have tried to understand through -- due to cost implications, where we were,
23 where we are, is it still good, you know, have we taken steps backwards? And I just
24 think It is something that is going to capture a lot of people's imaginations. We just need
25 to be sure we can talk about it well.

26
27 Council President Leventhal,
28 Okay, Chairman Subin, back to you.

29
30 Councilmember Subin,
31 Thank you. I thought you all were getting to segue into the next issue, which was the
32 other projects and the building modifications and program improvements. That, in
33 essence, is the Little Darlings implemented. What the small piece this year is for, the
34 \$1.75 million, is to take spaces that are already hardened but don't have classrooms in
35 it or all the classrooms haven't been built out and putting the classrooms in there, but it's
36 really the first step towards this Little Darlings concept and this Systemic Life-Cycle
37 Asset Replacement, where we're hoping to be able to do modernizations, not every 40
38 years, but every 50 years by having a better addressal of programmable needs,
39 facilities' needs, and maintenance, better maintenance along the way. The school
40 gymnasiums, we hope to complete that program within this six-year CIP but, again, not
41 the highest project in the priorities list. And so if there are monies that are going to be
42 necessary in the out-years, the gymnasium programs is clearly one place that we can
43 look for monies. Starting on page 6...

44
45 Council President Leventhal,



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1 Mr. Silverman has a question.

2
3 Councilmember Silverman,
4 What's the cost of an elementary school gym these days?

5
6 Unidentified Speaker,
7 [INAUDIBLE]

8
9 Councilmember Silverman,
10 Okay. Okay. Thanks.

11
12 Councilmember Subin,
13 And on page 6 we come to the macro issues, enrollment being the biggest driver that
14 we see for both the CIP and the operating budget. Some of the issues that we're looking
15 at that are significant over the last year or two is we've seen a substantial slowing down
16 of enrollment increases. We were looking at 3,500 additional students a year at the turn-
17 of-the-century and now we're looking, this year it was only 50. Birth rates had reached
18 their historical high of 13,500. The increases have slowed, but we're not expecting them
19 to fall or not expecting them at least to fall to a level that really helps us. So, we're going
20 to be looking at some modest increases in elementary school enrollment through at
21 least 2010. Both middle and high school enrollments are expected to climb slightly
22 through 2010.

23
24 Councilmember Perez,
25 A question, Mr. Subin, on that?

26
27 Councilmember Subin,
28 Yes.

29
30 Councilmember Perez,
31 With birth rates still at high rates, what is the explanation for the flattening out of the
32 enrollment?

33
34 Dr. Jerry Weast,
35 The only thing I can determine and what's kind of interesting is that we would have had
36 a net loss of students, except for a net gain of private school students. So the birthrate,
37 obviously, isn't the driver because they are being born here but they're obviously having
38 to move some other place. And I think it has to do with housing and some of the other
39 things that young families face here that they -- that drive their costs up. So, we're not
40 moving to adjacent areas. What's really interesting is Prince George's has lost 2- or
41 3,000 kids and D.C. lost kids and Fairfax has lost about 1,200 this year...

42
43 Councilmember Perez,
44 Is Frederick and Washington County going up?



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1 Dr. Jerry Weast,
2 Not much. They must be moving even farther out.

3
4 Council President Leventhal,
5 Sure Mr. and Mrs. Perez have done their part to contribute to the birthrate.

6
7 Councilmember Perez,
8 Well, Strom Thurmond died, so, that brought it down a little bit!

9
10 Councilmember Praisner,
11 I don't think he lived in Montgomery County.

12
13 Dr. Jerry Weast,
14 One of the things that would be interesting to look at, and I think you're ticklin' it right
15 now, is traffic a by-product part of a farther commute, because we still have the jobs and
16 I would be interested in seeing what the net import of people here, to our jobs, coming
17 from outside and then how far are they coming? 'Cause we're finding our employees are
18 having to go farther and farther away to bring them -- again, as I said before, we're
19 running a bus to West Virginia every morning, bringing in drivers and people to work in
20 the schools.

21
22 Councilmember Perez,
23 Okay. I saw that in the packet and it was curious fact. Yeah, it was.

24
25 Council President Leventhal,
26 Ms. Praisner.

27
28 Councilmember Perez,
29 Thank you, Mr. Subin.

30
31 Councilmember Praisner,
32 We have to look at the birth rates in the other areas and relate it to population increases
33 and see if it's being modified because I don't think those folks who work here are having
34 their children -- but live elsewhere are having their children in Montgomery County
35 hospitals. So, you know, it's an interesting question with a whole variety of rationale. My
36 question or comment is there is a phrase that has disappeared from the packets over
37 the years, Mr. Subin and I probably are the only ones who remember it, maybe Larry
38 and Dick, but it's called "Building to the peak." And I think we need to continue to look at
39 the issue in relationship to long-term solution, short-term. And maybe we're just talking
40 about a few classrooms in buildings which the School System has always been creative
41 of that feeling later on, but the question of that issue, I think, periodically, is going to
42 raise its head. So, we probably need to keep that in mind, as well.

43
44 Dr. Jerry Weast,

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1 It may or may not be in your packets, it is on our table of discussion as we are doing the
2 CIP. And if I'm understanding it the way you do, you've got to be careful that when you
3 may be in a flat enrollment, you were at 126,000 and slipped down to 95,000, got
4 caught in closing a lot of buildings, which is a very painful situation, then grew back up
5 to about 140,000 and it was about 15 years from the peak to the decline and 15 years
6 from the decline to the peak. And so these things could have a roller coaster. That's one
7 of the things that I want to assure you in this six-year CIP, we are pretty sure it's not
8 going to be a problem, because we have 719 mobiles and then have this backlog and
9 so it's a matter of getting these kids in hard-sided. If it wasn't for interest rates, material
10 costs, and the increase in the market stuff, this would be an ideal time -- one of the two
11 ideal times we've had in the last 25 years -- to catch up. Get the kids in hard-sided
12 buildings.

13
14 Councilmember Praisner,
15 But I suspect that if it weren't for building costs or inflation issues, we'd find -- we'd have
16 some other issue. Just like there is a cycle, there also seem to be other factors that
17 contribute to all of this. It's never as neat and as simple as we would like it to be.

18
19 Council President Leventhal,
20 Mr. Perez?

21
22 Councilmember Perez,
23 I'm still dwelling -- Dick, you made a comment about gyms. Did you say \$1.2 million is
24 what the most recent one...

25
26 Councilmember Silverman,
27 Unless it's Takoma Park.

28
29 Councilmember Perez,
30 I'm about to ask a question...

31
32 [LAUGHTER]

33
34 Council President Leventhal,
35 You're going to get these questions now.

36
37 Richard Hawes,
38 It's a lot cheaper now than Takoma Park -- no I'm just kidding. \$1.2 million is what it
39 averages if you do it as a part of a new school or modernization. If you do it as a
40 separate, stand-alone addition, it's averaging about \$1.4 million. It's a couple hundred
41 thousand more.

42
43 Multiple Speakers,
44 [INAUDIBLE]



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1 Councilmember Perez,
2 I have a serious hypothetical question for you. You know, if you're bidding out gyms and
3 presumably someone who wants to get your business, wants your business not only for
4 gyms but other things and they're going to give you a good rate, could they -- just like
5 COG allows people that piggyback, could a local municipality looking to build a gym
6 piggyback on a school procurement? I'm -- 1.4 is far lower than what I'm reading.

7
8 Richard Hawes,
9 I would have to go and look...

10
11 Dr. Jerry Weast,
12 Why don't we take that under advisement?

13
14 Councilmember Perez,
15 Fair enough, but I'm asking a serious question.

16
17 Dr. Jerry Weast,
18 No, no...one of the things...

19
20 Councilmember Perez,
21 That's a fair answer.

22
23 Dr. Jerry Weast,
24 It's a fair answer, we will take it under advisement but it's also a good time to -- because
25 these fields are killing us. And we are going to have to think, as land becomes more
26 difficult for us to obtain, where are we going to have our children play? And part of the
27 problem...

28
29 Council President Leventhal,
30 Did you say play or pray?

31
32 Councilmember Subin,
33 Yes.

34
35 Dr. Jerry Weast,
36 Well, I believe they should pray, too, but I said play.

37
38 Council President Leventhal,
39 But that's an issue also.

40
41 Dr. Jerry Weast,
42 That's an issue also. We've got to start thinking -- and it may sound far-fetched to you,
43 but more about fields that are more useable year round. Part of our problem is grass
44 and things get beat up and things like that.

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1 Councilmember Perez,
2 And we have indoor recess as a result.

3
4 Dr. Jerry Weast,
5 And I don't like that. We have an issue with kids physical fitness. So, we need places for
6 them to play and there's not enough soccer fields, there's not enough gyms. there's not
7 enough playgrounds, and there's not enough ballparks. And so I would hope that we
8 would also, as we start thinking in the future, not just about green buildings and
9 stormwater, I would hope that we would think about these semipermanent playing fields
10 that have the kind of surface you can use over and over and over again, and you don't
11 have to mow it, you know, there may be other ways of maintaining it because I think we
12 will have to get to that way. I see that linked to a lot of middle school problems; lack of
13 afterschool activities. And lack of after school activities is sometimes linked to -- if you're
14 not part of a sports league or an organized thing, you can't afford to play. So, we're
15 going to -- that's a concern. I'm with you. If we can do it we'll do everything we can to
16 work with you...

17
18 Richard Hawes,
19 You can piggyback on contracts, but there is scope limitation. I'm going to have to check
20 on it and get back to you.

21
22 Councilmember Subin,
23 And another issue, Tom, is a community-sized gym is bigger than an elementary school
24 gym and we have had a couple of incidences where the municipality has put in a couple
25 hundred thousand dollars extra and made arrangements in terms of preference.

26
27 Councilmember Perez,
28 I'm glad we're having the conversation.

29
30 Dr. Jerry Weast,
31 And you ought to think about that in some way and fashion. It would be easy to add 15,
32 25 square -- I mean foot onto the end of a gym, put your restrooms on the outside
33 where it works to your field, build your concession in where that's partly in your storage,
34 and do some things.

35
36 Councilmember Perez,
37 And as you know, the gym I have in mind is, you know, a pitching wedge from Piney
38 Branch and a 9-iron from the Takoma Park Elementary. So, there are synergies here.

39
40 Dr. Jerry Weast,
41 It depends on who's hitting the ball, I suppose.

42
43 Councilmember Perez,
44 For Mr. Subin it would be a putter in both cases!



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1 Councilmember Subin,
2 It would probably be a cannon!

3
4 Dr. Jerry Weast,
5 Thank you.

6
7 Councilmember Subin,
8 And in answer to one of your questions, Mr. Perez, the puts and takes are going to --
9 from a direction standpoint -- look at some marginal increases in the school population
10 to 141,000 in 2010. One of the other issues is -- if we track the cohorts -- my
11 understanding is looking at kids coming in in kindergarten, about 35% leave before they
12 graduate. There used to be a higher number moving in, but because of the price of
13 housing now, the move-ins have decreased. So, it's about 35% in, 35% out. We're not
14 getting those kids coming in 2nd, 3rd, 4th grade, rather than in kindergarten, so that's
15 helping even things out.

16
17 Dr. Jerry Weast,
18 The kindergarten kids in the original reform movement are now in the 5th grade. There's
19 only 65% of them left from the original kindergarten class. The class is about the same
20 size overall, between 9,500 and 10,000. It's just that 35% moved out and a new 35%
21 moved in. That's what makes it challenging to a classroom teacher. To keep to a
22 continuous trajectory for your scores and everything else.

23
24 Councilmember Perez,
25 Do you have a demographic profile of that 35%? I guess a lot come from a foreign
26 country...

27
28 Dr. Jerry Weast,
29 I guessing you're absolutely -- pretty close. I don't have it in my head, but I do know that
30 it's much more diverse than what we have had in the past and we are getting much
31 more diverse as time goes on. So, the kids are not only affected by language, but long
32 moves. Sometimes we're getting more and more kids that are coming to us that have
33 had interrupted, if not any education from where they had come from. That's our METS
34 program. That's another one of those things that we're talking about the expansion of.

35
36 Council President Leventhal,
37 Mr. Andrews?

38
39 Councilmember Andrews,
40 Thank you. A follow-up on this. In terms of the mobility rates, do you see a decline in the
41 rate in the upper grades? Are you seeing -- is it...

42
43 Dr. Jerry Weast,
44 No, what's interesting is that we keep pretty good track of the college boards, the S.A.T.
45 scores. And depending on the demographic group, we have twice as much movement

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1 in the Hispanic and African-American demographic group as we do in the Asian and
2 Caucasian group. And that is about 18% -- something in that neighborhood -- come to
3 us at the high school level, so that's still a very high mobility. And, as Mr. Perez pointed
4 out, it depends on who comes from where when. They don't have much choice when
5 they are coming to us from far away. They are trying to get here and sometimes they
6 will get here at any age or stage. We have to be prepared to deal with that and that's
7 what we're trying to build programs for. That's why our outreach programs at this budget,
8 you're getting the operating have increased. That's why we're trying to do some more
9 with languages, that's why we're teaming up with community groups to expand. But it
10 also has an effect on what you're talking about right now. I will go back to the
11 playgrounds. I happen to have -- as you know, you have a position on the Board that
12 oversees all of the playgrounds and facilities. And Jenny [Gong] is the exec for that.
13 They're having an increased number of kids going on participating, without the rental
14 certificate on the weekends. And, you know, they just have to go play. And a lot of the
15 kids, when you do a demographic profile, are recent immigrants from other countries
16 that don't have either the ability to access the fields during the day or when there is a
17 normal -- or they're not affiliated with sports leagues, but they want to play ball, they
18 want to play soccer. We will have to address that.

19
20 Council President Leventhal,
21 Chairman Subin?

22
23 Councilmember Subin,

24 Okay, the end result of that is that given there is less pressure on facilities, we can start
25 then to look at hardening classrooms instead of using the portables. So, this
26 demographics plateauing is allowing us to start to catch up there. Now, some of the
27 unknowables at this point, though, are what kind of programmatic initiatives will be
28 instituted in the coming years? We will be finished with the Board's request in instituting
29 all-day kindergarten and needing the new classrooms for that in August, '06. If we don't
30 go with their request, it won't be later than August, '07. Certainly class size reductions,
31 K-2 and the reading initiatives in 1-2 spreading out to other areas, could have some
32 impact on some need, but we don't know what that is right now. Annual Growth Policy
33 looks at fixed school capacities, class sizes of 22 in kindergarten, 25 for grades 1
34 through 5. 22.5, grades 6 through 12. For this year's AGP, looking at enrollment as far
35 out as Fiscal '11 and '12 and any capacity deferrals that might occur, they're unlikely to
36 affect the AGP test unless there are other project completions that could be pushed out.
37 So, the AGP test as it stands today, without any Council action, based on only the
38 Board request -- and I saw "only" because it could change -- is that every cluster meets
39 the test. Now, if we pull back on any of the additions or any of the capacity requests or
40 when we look at the operating budget institute new initiatives, that certainly would have
41 to be a consideration at that point. State aid assumptions blown, as of early this
42 afternoon, for '07. We're now at \$40 million instead of the expected 30. And looking at
43 expectations as of now of \$40 million through Fiscal '12. But again that, without seeing
44 the legislation that was approved by the House and Senate and what it said in there we
45 don't know. State aid history is shown graphically on table 4 on page 8. I would note,

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1 though, that for the years '98 through '02 and the bumps that are there, those are years
2 in which the state was paying us back for forward-funded projects. It didn't include any
3 new eligibilities or anything else. They were just catching up with us. Again, there are
4 comments in here about the Governor's recommendations and what the legislature was
5 looking at and we have that answer. Now, state aid reversions, there are times where
6 we build projects with pieces that are not eligible for state aid or for some reason or
7 other in the past...

8
9 Council President Leventhal,
10 Mr. Chairman?

11
12 Councilmember Subin,
13 Yes?

14
15 Council President Leventhal,
16 I want to commend you on the excellent job of oversight that you're doing. It may not be
17 necessary to highlight every paragraph of the entire memo, but we're making good
18 time...

19
20 Councilmember Subin,
21 On page 31 of the packet, Mr. Chairman...

22
23 [LAUGHTER]

24
25 Councilmember Subin,
26 What I can do, Mr. Chairman, it's fine with me because...

27
28 Council President Leventhal,
29 You're doing a superb job of oversight, Mr. Chairman, I wanted to commend you on
30 your oversight!

31
32 Councilmember Subin,
33 I do need my glasses to see, though, for the oversight, Mr. President. The state aid
34 reversions, that's one important piece, again, for where things changed on a project,
35 contingencies were not expended as expected or we put things in that we're not eligible
36 for the calculation is we may owe the state up to \$14.4 million. That was not in the
37 budget, not accounted for by the Executive, not requested, and we are going to have to
38 figure out a way to deal with those. School construction costs: again, we went over
39 those a number of times and we are requesting the OLO study. Class size reductions,
40 full-day kindergarten, we've looked at those. Prioritization of projects, important spent a
41 minute or so on that, there is a change in there and there is also a change that is being
42 suggested by staff. The priority of projects for funding are critical health and safety, then
43 capacity, new pieces, the capital maintenance -- that's the Systemic Life-Cycle Asset
44 Replacement piece -- modernizations and gymnasiums. As staff points out those are
45 not hard and fast because there may be an issue in category 2, which is capacity, that

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1 it's the lowest in that category and is not as important as the first two or three in the
2 capital maintenance. But it's just a general rule. Staff also points out, and I think
3 correctly, that under critical health and safety, if there is a critical health and safety need
4 that's going to be met. Edgar Gonzalez is not going to wait to fill a huge pothole for the
5 next budget. He's going to go out there and do it, we hope. Right, Edgar?

6
7 Multiple Speakers,
8 [INAUDIBLE]

9
10 Council President Leventhal,
11 Yeah, I was going to say Fenton Street near Philadelphia Avenue.

12
13 [LAUGHTER]

14
15 Councilmember Subin,
16 Everybody call in! So, what staff is suggesting is -- is that at least for Council purposes,
17 that those issues come over as health and safety rather than critical health and safety,
18 'cause those will be dealt with. On page 11, it's just really going through each of those
19 pieces and I think we've really been through, either in other areas where
20 Councilmembers had questions -- been through those . On the Project Review
21 Summary, beginning on page 11. On page 12, there is a list of those projects that are
22 already under construction. Construction is ongoing and should be finished by the end
23 of Fiscal '07. There is a list of two projects, the BCC addition and Silver Spring
24 International/Sligo Creek Elementary addition, where there are no cost changes.

25
26 Council President Leventhal,
27 Mr. Chairman, Mr. Andrews had a question.

28
29 Councilmember Andrews,
30 It can wait. It's a question about the [INAUDIBLE].

31
32 Council President Leventhal,
33 Okay.

34
35 Councilmember Subin,
36 On countywide projects: asbestos abatement, design and construction management,
37 energy conservation, school security, there are no cost changes or minimal changes. I
38 noted here there are no cost changes, those are level of effort projects. It's the dollars
39 that count, not what would have to happen under there. On page 13, we're looking at
40 the individual projects where there are large construction increases during this six
41 years. Some them range as high as 99.5%. The 21 and 23 percents, there may be
42 some incremental changes but most of that is due to construction inflation. The
43 Committee had, I thought, a good discussion with OMB and the School System on this
44 issue and why these show up. We know what the general cost of a school replacement
45 is going to be and so the future mods program is based on those costs and what are

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1 coming up. You can take the inflation, add the inflation on and there's the cost. But by
2 the time you get to those projects, then come out of the future mods, go into the current
3 mods, you could have scope changes, required additions and some other changes in
4 addition to the modernizations. That's what's going to drive this up. The discussion that
5 we had with OMB revolved around, "Well, how does that affect your new system and
6 how does that differ from what we do at the college?" It differs and probably the
7 modernizations may be unique in that we know for a long time out what the level of
8 effort is going to be and what those numbers are and we can plug the numbers in for
9 that. But, again, those are going to increase as they come out. Staff stated we do know
10 those. We do know what's coming out and so we can plug a number in there based on
11 the experience of what a new school costs. Again, the Committee came down on the
12 side of, "Look, we could make an argument either way," but we just thought we needed
13 to know what it was and make it consistent. But also felt that under any circumstances,
14 for a six-year and longer CIP, those out-year numbers were going to be low, no matter
15 what we did. New scope and change projects, page 14. Ashburton, Fallsmead,
16 Luxmanor, Stedwick, Washington Grove, Wayside, Einstein, and the Building Mods
17 program. There are a number of capacity projects that we are looking at. Those are on
18 page 16, broken out by cluster.

19
20 Keith Levchenko,

21 Mr. Subin, do you want me to explain briefly how to read the chart?

22
23 Council President Leventhal,

24 Very briefly, please.

25
26 Keith Levchenko,

27 It's a little confusing.

28
29 Councilmember Subin,

30 Well, I think the important thing, Keith, is to look -- and if you want to go beyond that, to
31 look at the seats added.

32
33 Keith Levchenko,

34 Right. I think what the chart shows is the utilizations at the school as well as in the
35 cluster that the school is in, the seats are that are recommended to be added at that
36 school, and the overall effect on the cluster. And this is just one way to review that. On
37 the next page, page 17, it takes just the pure utilization rate and sorts it by that. It's just
38 a way for the Councilmembers to see the variation utilization rate and one way you can
39 look at prioritizing these -- if you were faced with that issue.

40
41 Councilmember Subin,

42 On page 18 we talked about what the impact would be of deferring capacity projects
43 and, again, it has the major impact in a number of portables that are used. Talked at
44 length about modernizations earlier. On page 20, we've already talked about the other
45 strategies to get the length of time between modernizations increased, while better

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1 addressing needs of the schools in between. 21, we talked about the specific project
2 reviews: Health and Safety starting on 22; ADA Compliance -- and the one thing that the
3 Committee agreed, oversight or not, forget it; Fire Safety Upgrades, that comes out of
4 the Fire Marshal -- that is the fire marshal's number, not to be oversighted by this
5 Committee; the Improved Access To Schools, the School Transportation Efficiency and
6 Planning Committee -- they have some incremental costs on new schools -- that group
7 is made up of the School System, DPWT, Park and Planning, Fire/Rescue, Police,
8 OMB, Council staff and others as the project may require. Page 24 begins a discussion
9 on relocatable classrooms. Again, Dr. Weast is going to be trying, in his request, to
10 eliminate about 40%. The Council President and I are working with him to get rid of the
11 rest. Capital Maintenance on 25: HVAC, PLAR and Roof Replacement, Level of Effort
12 Funding, and they will possibly be folded into the Systemic Life-Cycle Asset
13 Replacement Program. And we're recommending approval of those projects. Restroom
14 renovations: there have been projects identified through Fiscal '10. We had some
15 discussion about making this Level of Effort or adding funding to '11 and '12 to assure
16 the community that we would not be forgetting about restrooms after Fiscal '10. But
17 agreed to work with the System in saying that those projects would be built into the
18 Modernization and Renovation program. Gymnasiums, we talked about those. Two
19 school projects which at least today are unique: Redland Middle, Ridgeview Middle, the
20 last vestiges of the open classroom era. A number of projects there. Those, Ms.
21 Floreen, would be more affected by your earlier question of what would a deferral do.
22 There are a number of projects within those schools and deferring one would have an
23 affect on the deferring of another because those pieces are all sequential. But once we
24 finish those two, no more open schools. ALAR, we talked about the one -- there's only
25 one issue there and that was Paint Branch. We've talked about on page 28 the Building
26 Mods program PDF. Stadium lighting, there is one project in the CIP now, on the
27 request for Northwood, that's \$192,000 and that will be split between the School System
28 and the Booster Club and they pay back that money with the sale of hot dogs and pop
29 and popcorn and donuts. So, you know, there is a real conflict with the other health
30 programs.

31
32 [LAUGHTER]

33
34 Councilmember Subin,
35 I don't know what to tell you! Technology mods...

36
37 Council President Leventhal,
38 Oh, okay. Ms. Praisner has a question.

39
40 Councilmember Praisner,
41 Could you provide me a list, Dick, of the locations in the County where schools have
42 cellular towers and the amount of rent you're receiving at each of those locations?

43
44 Council President Leventhal,
45 Mr. Chairman?

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1
2 Councilmember Subin,
3 Technology Mods, a successor to global access, the number of computers that we have
4 is about 5 students to 1 computer. We have a four-year replacement cycle. Financing
5 includes maintenance agreements, so we're not coming in and trying to get things fixed
6 and depending on the market and the new computers cascade down to older areas and
7 they then cascade out to non-profit service providers. Facility Planning: again, those are
8 the folks in -- probably the only people in the capital budget who do the facility planning
9 for projects and paid -- is that current revenue or bonds?

10
11 Keith Levchenko,
12 Actually, the inside staff you're thinking of are on the Design and Construction
13 Management project. These would be the feasibility studies that are contracted out in
14 this project. That's why this is -- Facility Planning is -- that's current revenue.

15
16 Councilmember Subin,
17 Okay.

18
19 Keith Levchenko,
20 They can't be tied directly to specific projects.

21
22 Councilmember Subin,
23 And that's it, Mr. President.

24
25 Council President Leventhal,
26 Thank you very much, Mr. Chairman. Mr. Andrews?

27
28 Councilmember Andrews,
29 Thank you, I was looking at the chart on Circle 8 about MCPS enrollment by grade and I
30 wondered if the sharp increase between 8th and 9th grade, is that a -- in this case -- a
31 snapshot or a trend or a pattern? Does that reflect infusion of private school students, in
32 part, into high school?

33
34 Dr. Jerry Weast,
35 There are several things. First of all, that is where you have the largest grade in the
36 United States. That is it, between that 8th and 9th grade, that is not an unusual
37 phenomena. Part of it is kids who haven't -- either moved in and many times they come
38 from either intermittent education or no education and they are age appropriate for the
39 9th grade and so until we get them up to steam to move them up. part of it is kids who
40 are in the 9th grade that are not successful at completing because you're moving from a
41 middle school grade by grade to a subject area type of thing and they didn't get the
42 proper credits. So, they're still classified as that.

43
44 Councilmember Andrews,
45 Okay.

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1 Dr. Jerry Weast,

2 Part of it is people coming in. That's a good transition grade to come into to go to one of
3 our high schools. And we've seen more of that now that we've got all 23 high schools in
4 the top 3% percent in America. That's helping to bring people in. So it's a combination of
5 those factors.
6

7 Councilmember Andrews,

8 But historically 9th grade is the biggest...
9

10 Dr. Jerry Weast,

11 Yes, it's always been. In my 30 years, it's always been, anywhere I've been and
12 anything I've looked at. That's one of the artifacts of the school business. Okay. Thanks.
13

14 Council President Leventhal,

15 Mr. Perez?
16

17 Councilmember Perez,

18 I just wanted to raise two issues, one, which is -- neither of which have been raised here
19 today. One of which is germane to capital issues and one probably isn't, just by way of
20 preparation for another discussion we will have on the operating budget. I have
21 appreciated the school's engagement on the issue of the Blair Auditorium. We will meet
22 later this week with other community stakeholders and I suspect we will need to come
23 back and have another conversation. The challenge is can you build a viable business
24 model? And that's a question not for you, but for members of the community, frankly
25 that I think one of the most compelling arguments they have is that the building exists.
26 So, I mean you've got choices here, you can either rip it down -- you can either -- or
27 renovate it, I mean that's basically the two choices. This is different from the -- there's
28 nothing there and should you build it. It is there, it is built, and so the question presented
29 is if it's renovated, what's the best way to use it? You know the deal, you know the
30 conversations, and I just have a sinking feeling that we're going to need to revisit some
31 of the conversations so I wanted to throw that out there by way of coming attractions. I
32 know we have a meeting later this week that a number of you will be at and I
33 appreciated -- I appreciate all of your engagement throughout. You made a comment at
34 some point, Dr. Weast, about -- and this is the other category of completely non-capital,
35 but I do have a strong interest in learning the answer to this. As we move to the
36 operating budget, I know that we have a shared interest in the issues of some of the
37 most heavily impacted schools and I've -- one thing I've observed recently in some of
38 the most heavily impacted schools is that they're now having to share parent resource
39 personnel so that three years ago, for instance, at Rolling Terrace, we had a person, a
40 wonderful guy whose only job was Rolling Terrace parents. Now he spends half his
41 time, I think, at Rolling Terrace and half his time at Wheaton Woods. I may be mistaken
42 on the other elementary school. I'm confident that the need hasn't decreased in Rolling
43 Terrace nor in Wheaton Woods. I look forward to the conversation, don't need to ask it
44 today, but I don't want to surprise you with the question down the road about what we
45

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1 can do so that we can address the issues on which I know we have a shared
2 commitment. Thank you. And thank you, Mr. Subin, for taking us through this.

3
4 Council President Leventhal,

5 Yes. Thank you very much, Mr. Chairman. Very well done and we appreciate the
6 recommendations of the Education Committee that are now before the Council. Is there
7 objection to the adoption of the School System CIP? Hearing none, it is approved.
8 Thanks for spending your day with us. And that takes us to the MFP Committee's
9 recommendations to General Government projects and FiberNet. I hope we can do
10 these in five minutes or so.

11
12 Councilmember Praisner,

13 I will try very hard. There are some issues, though, and I want to be sure that we give
14 appropriate attention to County government, as well. On page 1 of the packet, number
15 14, are all of the items that the Committee recommends approval of with no change in
16 these items from the garage -- Hungerford Drive Garage -- through elevator
17 modernization, asbestos abatement, electrical replacements, indoor air quality, et
18 cetera. And I just note for you that with the Planned Life-cycle Asset Replacement Cost,
19 item 918, the Committee is concerned that to the extent there is deferral with existing
20 projects we need to -- and there are cost increases, just as with the School System, we
21 probably will need to review and examine the PLAR project and may want to look at
22 additional funding, if not this year, than in subsequent years. On page 2 of the project --
23 begin the projects, where the Committee has some modifications, some of the
24 modifications we're proposing relate to language within the PDF. The first item is Broom
25 School, which is a closed school and is related to both Board of Election space and
26 other organizations that use that facility. The Committee is continuing to look at the
27 costs of this project but also notes that having been informed about the challenges we
28 face with renovation issues, HVAC issues, at both the Judicial Center and the Executive
29 Office Building and the needs to address this building, the Council Office Building, which
30 is the oldest of the three and has multiple entrances, inadequate space, and inefficient
31 space, and certainly ancient space from a standpoint of the standards that we have
32 now. As we have to look at this issue, we may be looking at Broom for flex space in the
33 context of this issue, or needing to look at how we address the Broom building within
34 the context of the challenges to the Rockville Core needs. We'll also ask them to go
35 back -- we did discuss with them, rather than spending the money on a existing building
36 modernization, perhaps a brand-new building should be -- would be less expensive. The
37 DPWT's response to that question is that they don't have sufficient information at this
38 point, but the point we have is that we think this issue needs to be looked at. The
39 Council Office Building renovation, as we originally discussed this, was an issue of the
40 third floor hearing room and the meeting room. The Committee is recommending
41 deferring this project until we can have a more comprehensive discussion about the
42 Rockville Core and the needs of the Rockville Core, both short-term and long-term,
43 such that a more aggressive examination of this building will be necessary, rather than
44 just spending money on the third floor hearing room. The next item is...



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1 Councilmember Floreen,
2 Mr. President, I have a question.

3
4 Council President Leventhal,
5 Sure, Ms. Floreen.

6
7 Councilmember Floreen,
8 Ms. Praisner, I know this is an important issue, the Council Office building renovation,
9 What's you're thinking about actually dealing with it?

10
11 Councilmember Praisner,
12 Well, it wasn't the office building. This item is not on the office building. It was just the
13 third floor hearing room/meeting room and the point we were making was rather
14 proceeding to modernize a piece of the building, we probably need to look at the entire
15 building.

16
17 Councilmember Floreen,
18 Right, and so my question is do we have money, then, for a study in this period?

19
20 Councilmember Praisner,
21 Within the context of the Rockville Core, we will be looking at it within that context, yes.

22
23 Councilmember Floreen,
24 Well, but about this building...

25
26 Councilmember Praisner,
27 That would be a piece of it.

28
29 Councilmember Floreen,
30 I don't have the whole budget in front of me, but I am concerned that we do need to
31 focus on this facility. I think that's -- actually I think this conversation, when we had it last
32 time around, is what may have triggered Mr. Knapp's proposal earlier. In any event,
33 regardless of that issue, I want to be sure that we have a schedule.

34
35 Councilmember Praisner,
36 We do within the context of -- after I go through the other items, you will see we have a
37 PDF for facility planning that relates to the Rockville Core. A separate stand-alone PDF
38 for which we will shift funds from facility planning in order to accommodate this. Plus, we
39 have the Council Office Building renovation. It is not going away. The MFP Committee
40 intends to spend a significant amount of time with DPWT on the issue.

41
42 Councilmember Floreen,
43 So, the thinking is this will be done in '07. This analysis?

44
45 Councilmember Praisner,

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1 The work is already beginning from a standpoint of the issues associated with the
2 Judicial Center and the Executive Office Building. We folded this in and expanded it and
3 you will see it's in facility planning, yes it will begin in '07. I'm not sure all of the work can
4 be done in '07.

5
6 Councilmember Floreen,
7 That's fine, I just wanted to get some clarity on that.

8
9 Councilmember Praisner,
10 Okay, the next item is...

11
12 Council President Leventhal,
13 Mr. Silverman, did you have another question on that, as well?

14
15 Councilmember Silverman,
16 No, it's another item.

17
18 Councilmember Praisner,
19 On facility site selection for County government, the Committee recommends approval,
20 but we added language that appears on page 2, that relates to the concern that I've
21 raised and been supported by others, including the rest of the MFP Committee, about
22 the concerns about focusing on site needs, beyond those that may be identified within
23 the CIP. So, for example, something that is in the long run needed but outside the
24 scope of the CIP, in which we may want to be exploring a site when those opportunities
25 arise, knowing that in 10 or 15 years, we will need some facility. What we are
26 encouraging the Executive to do is to look at additional sites and to look at them earlier
27 than previously assumed, urging the County Executive staff to work with Park and
28 Planning Commission staff to review facility needs that are in master plans and
29 department strategic plans to identify -- that may together identify additional sites
30 beyond those now in facility planning and CIP acquisition. The same thing -- we have
31 the facility planning PDF on -- that includes a list of projects for facility planning. We did
32 some massaging of the list such that it was clear that most of the projects are facilities
33 themselves. There are two items that we are suggesting being deleted, cost estimating
34 and a template for program of requirements, but we're not really deleting them, just not
35 listing them as a -- as a study, per se. We're revising the language such that it's clear
36 that you will do them and the funds are there for them, just not putting them in the list of
37 facilities. The narrative can be changed to include them, but to reflect that they really
38 are not a specific facility. But they are the backbone that needs to be done as you
39 approach any project. The next item is the Germantown Library. As you know, the new
40 Germantown Library will be opening and -- hopefully!

41
42 Unidentified Speaker,
43 Do we know that?

44
45 Councilmember Praisner,

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1 Well, at some point, since construction is going on or hopefully going on again. And that
2 frees up space. The Upcounty was one of those unique centers in Montgomery County
3 years ago where a Government Service Satellite Center, one could suggest, where
4 there was the Regional Service Center, but also other facilities co-located in the
5 building. Not -- or dissimilar, perhaps, from other areas of the County that did not have
6 those facilities. When the building was opened, it was the first and has been the first
7 Germantown Library. There were also space for Montgomery County Public Schools
8 and there was space for the Department of Health -- now Department of Health and
9 Human Services, as well as the Conference of Visitors Bureaus. So, it was a shared
10 space facility to improve access by the community to the services and to introduce
11 services, much as say a storefront library might have been the first phase of library
12 service in some of the other areas of the County. With the anticipation of the
13 Germantown Library occupying its own space, there is the issue of re-use of the
14 Germantown Library space within the Government Services Center. The concern that
15 the Committee has is as we looked at the amount of money, that was associated with --
16 and this item is only the facility planning and readying section of that, but not
17 completely, this is planning, design, and supervision, it is not the actual construction that
18 would need to be done internal to this building. The dollar amounts raise some concern
19 about -- from members of the Committee. In it asking the departments to go back and
20 re-examine this, there was some re-look that generated some reduction in the
21 assumptions to the overall \$4.5 million that was originally assumed. Not significant
22 reductions, but some capacity to use existing materials within the building for this re-
23 use. In further conversations with the Committee, the Committee agreed -- although we
24 had originally thought about reducing the design costs, which is the only piece we're
25 approving, we decided in the end to keep the approval as submitted in the CIP, but add
26 text that would state that before the design is completed the Executive staff would meet
27 again with the Committee to review the costs from the programs being added to the
28 Upcounty Regional Services Center. And the point we're stressing, of course, as well is
29 the compatibility of those programs with the Government Service Center functions and a
30 continued examination of those, but for us to have that look. We will -- the other issue
31 that we raised with DPWT, was the possibility of adding more County employees to the
32 Department to do some of the design rather than contract out for it. It's an issue that we
33 have no information about, but that we thought we might sit down with the Department
34 and talk about. The next item is to add \$700,000 -- oh, I'm sorry.

35
36 Council President Leventhal,
37 Mr. Knapp.

38
39 Councilmember Knapp,
40 I just want to thank the Committee for their efforts on this. I had similar concerns to that
41 which the Committee has raised. And as I raised previously, as we kind of explore the
42 community's interest in this relative to the need to look at even a town center park,
43 recognizing the different -- it's an apples and oranges comparison. I'd like a better
44 understanding if at all possible as to what we're talking about putting in the [INAUDIBLE]
45 County Services Center. I know there's been a lot of discussion but I haven't seen

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1 anything. I'm curious as to what are the pieces we want to bring in? I know we're looking
2 at reallocating Mercy Health Clinics' allocations, but I don't know the breadth and scope
3 of what we're talking about. If I could get information on that, I would appreciate it.

4
5 Councilmember Praisner,
6 That's the issue that the Committee also wants to have more information and discussion
7 about as we talk through this after the budget.

8
9 Councilmember Knapp,
10 Great, thanks.

11
12 Councilmember Praisner,
13 And that relates also to the Committee's oversight and review with the other Regional
14 Services Centers as to if we're changing models, what are those models and what are
15 the implications for other centers.

16
17 Councilmember Knapp,
18 Right. Yep, It's agreed.

19
20 Councilmember Praisner,
21 The next item is Glen Echo Park: we're approving the \$700,000 appropriation of the
22 County's share and suggesting at this point, until we get the information on the state
23 and the federal, that we not appropriate those.

24
25 Unidentified Speaker,
26 [INAUDIBLE]

27
28 Councilmember Praisner,
29 Oh, yeah, I know we have some information from the state, latest information and we --
30 what I was going to say is -- until we take final action on the budget -- we'll know after
31 the legislature closes its session [INAUDIBLE], we can plug in whatever numbers are
32 associated by the state, as well. And if we get any further information as far as federal --
33 the point is as we get additional information, we will just add those items, rather than
34 leave an impression that those funds are here and they may not be.

35
36 Council President Leventhal,
37 Mr. Denis had a question.

38
39 Councilmember Denis,
40 Thank you, Mr. President. I just wanted to share with the Council what my
41 understanding is of what's going on with the other two \$700,000 pieces. It is my
42 understanding that Senator Sarbanes is working to get an earmark in the National Park
43 Service budget, which is likely to be taken up, hopefully sometime in July. I guess it's a
44 race between the earmark and earmark reform, whichever occurs first. I think there's a
45 reasonable hope and I would say an expectation of that. So far as the state piece is

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1 concerned, it's my understanding that the state Senate has -- of the \$700,000, has
2 passed \$375,000 and that the House has passed \$475,000. So, clearly they will go to
3 conference on that. I think that indicates there's a strong likelihood that over 50% of the
4 \$700,000 will be appropriated by the state. So surely by April 26th...

5
6 Councilmember Praisner,
7 We'll be able to fix this PDF then with that.

8
9 Councilmember Denis,
10 ...signed by being April 8th, 9th, 10th, or 11th, I guess, something of that nature. We will
11 know and be able to plug in the other pieces.

12
13 Councilmember Praisner,
14 I think, Martha, that -- unless you have something else you wanted to add, I guess that's
15 the point you wanted to make. The last item is ALAR for our Advance Land Acquisition
16 Revolving Fund. We recommended approval and consistent with the statements we
17 made about the facility planning, facility site selection, we're adding language that tie
18 those pieces in together in order to make sure that, again, as the County is build out
19 and the availability of land or other buildings that can be renovated or acquired for
20 County services, that we're more aggressive about that and that we encourage that
21 look. We're on page 4, the only item is that we are adding another PDF, which would be
22 called the Rockville Core Project and we will be shifting some of the Current Revenue
23 funds from the facility planning document, associated with this project, into a separate
24 PDF. And that actual number, I think, staff still needs to reconcile, but again, given the
25 issues of the core, and the challenges we face with the existing buildings and other
26 program issues, we will both be looking the core work that's been done already, the
27 study by [Vitetta] years ago and the analysis done by the different departments within
28 the core, to continue to examine this issue, but it's become more complicated by virtue
29 of the fact that certain parts of buildings will need to be vacated while significant work is
30 done from an air quality and other conditions. That concludes the report, I'm sorry it took
31 a little longer.

32
33 Council President Leventhal,
34 Is there objection to approval of the recommendations of the MFP Committee
35 concerning General Government projects? If there is no objection the MFP Committee's
36 recommendations are approved. There are some folks here for -- to discuss the
37 Brookville Service Park issue and I don't know is there staff here also who's waiting on
38 FiberNet? I'm trying to figure out how to accommodate the most...

39
40 Councilmember Praisner,
41 Yeah, there are staff here for FiberNet.

42
43 Council President Leventhal,
44 All right, how much time do we need, Madame Chair, for FiberNet?



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1 Councilmember Praisner,
2 Five minutes.

3
4 Council President Leventhal,
5 Okay, let's go.

6
7 Councilmember Praisner,
8 FiberNet is our own system for communications. We've been at this work with the
9 Department of Technology Services and the other agencies for some time. What we've
10 asked staff to do in the future is to show the savings associated with using our own
11 network . This is an expansion of the old G-Net system that was built to some extent
12 with cable funds through the cable franchise. We are in the process of supporting the
13 network by hooking up -- we're now at the middle schools, having hooked up all the high
14 schools, and the savings is significant for the School System as indicated on the packet.
15 So, we want to show that as a savings . In addition, Housing Opportunities Commission
16 will see a savings in their communications budget as they migrate from private service
17 Verizon T1 lines to FiberNet. The accrued service savings is about \$6,000 per year.
18 \$6,000 with a cost of \$900 per site per year. So, the applications continue, the
19 evaluation and the work continues. FiberNet is a modest amount of money in the
20 budget, but it has that capacity to both save money and to provide access to even more
21 broadband capacity than the sites would have had under private service, without
22 significant cost. We had a meeting with the Committee, the joint Committees with all of
23 the agencies yesterday. They are going to continue as part of their work plan -- the
24 Technology Policy Coordinating Committee representatives from each of the agencies
25 at the policy level are continuing to look at the chargeback costs, the payment back
26 from the agencies for use of FiberNet which will help us on the issues of maintenance
27 and infrastructure. So, this is a success story for the County and provides great service.
28 The County initially funded the FiberNet, some of it, through cable funds, G-Net support,
29 but in the future we hope to build and broaden this initiative. That concludes my report.

30
31 Council President Leventhal,
32 Thank you, Madame Chair. We will now talk about the Brookville Service Park.
33 Whoever is here for that happy discussion, please come up.

34
35 Councilmember Floreen,
36 Mr. President?

37
38 Council President Leventhal,
39 Madame Chair.

40
41 Councilmember Floreen,
42 Thank you. This was deferred from last week's consideration of the transportation
43 issues in the County and we -- has generated a lot of attention. There has been concern
44 that the project proposed by DPWT would have an adverse affect on the Purple Line.
45 One of the challenges here is that DPWT has needs now and the design of the Purple

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1 Line facilities that are expected to be located near the Brookville Depot -- Brookville
2 Service Park, have not been resolved. So folks are concerned that what occurs on the
3 Brookville Service Park property not impede the ability of the Purple Line work to
4 continue and to proceed. And so a number of things are up in the air. You've gotten a
5 hand-out from staff as to the challenge that the Department faces in finding -- putting in
6 place the necessary support systems for our bus system. And they are having a
7 significant problem between our action in EMOC and deferring that work up there and
8 are very concerned with what we're suggesting in the Brookville Service Park in terms of
9 deferring work here and their ability to service our transit fleet. The Committee
10 recommendation had been to approving the project, but delay it for a year to allow the
11 Department of Public Works and Transportation to redesign it in a way so its fuel station
12 would not be placed on land set -- identified in the Georgetown Branch Master Plan
13 Amendment for the light rail yard and shop. They've come back to us. They wanted
14 some additional time to look at the situation. This has not come through the Committee,
15 but what they're proposing is to really allow them to proceed with the main part of the
16 project without delay and to continue to explore some options for relocating the fuel
17 station. Glenn has recommended that we proceed under that approach, giving them
18 some additional money for design and land acquisition and adjusting the expenditure
19 schedule so that they could get going on the basic work on the Service Park and come
20 back to us with the fuel depot issue at a later date. Mr. Holmes, do you want to address
21 this?

22
23 Arthur Holmes,

24 The essence of what you said is that right now we're out of space for our buses and
25 unless we get some additional space, we cannot expand our transit. For example at the
26 Brookville Depot we have a capacity for 130 buses and we have 130 there. We're going
27 to expand our transit -- augment our transit service -- because we actually have to pass
28 passengers up. The system is growing over the last few years at a rate of 8%. It
29 appears we're holding our customers. We need to do something now. So what we've
30 done is broken the project up into two phases. Phase I would provide us the access
31 road and provide the parking facilities so we could expand the parking to 150 buses.
32 And that would just then allow us to have the augmentation service, which would put
33 another 17 buses onto the system and give us 147, leaving us only three spaces. We
34 can't put them at EMOC because EMOC is also full at 127 buses. We have buses
35 parked in maintenance bays. We have it in aisles around the parking lots, which is very
36 unsafe. We can do this first phase, which was really a first phase when this project was
37 initiated and do those things. And then we'll look at Phase 2, which we would find a
38 place -- a location for the fuel -- a fueling station. None of these -- none of these, I
39 repeat -- none of the things that we're going to do would have any impact on the
40 Bicornity Transitway or the Purple Line, but we need bus space now.

41
42 Councilmember Floreen,

43 So, unless you wanted to add anything, Glenn, the Committee recommendation was to
44 delay and require them to redesign. They've come back with this revision to the project

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1 that more or less meets the Committee's objectives, but I can't speak for my colleagues
2 on the Committee. We just got this, I think, today.

3
4 Council President Leventhal,
5 Mr. Perez?

6
7 Councilmember Perez,
8 Thank you -- oh, Glenn, did you...

9
10 Glenn Orlin,
11 We received it yesterday.

12
13 Councilmember Floreen,
14 Yesterday. Ah!

15
16 [LAUGHTER]

17
18 Edgar Gonzalez,
19 As agreed. As agreed.

20
21 Councilmember Perez,
22 I wanted to thank my good friend Art Holmes and his colleagues at DPWT for going
23 back to the drawing board, although it wasn't completely to the beginning of the drawing
24 board, to address this issue. Circle 1, the most important part of this is though it was
25 handwritten, the last line, "No part of this facility will be placed on land identified in the
26 Georgetown Branch Master Plan Amendment for light rail yard and shop facilities. That
27 was the nub of the issue that motivated the Council President Leventhal and I to vote as
28 we voted. As I understand what you've come back with, you've addressed that and you
29 can meet the letter of that sentence in the PDF. If that is correct...

30
31 Arthur Holmes,
32 That's correct.

33
34 Councilmember Perez,
35 ...then I am prepared to move forward and support this and recognize this will in no way,
36 shape, or form hinder the effort to maintain that for the Purple Line when it comes.

37
38 Councilmember Floreen,
39 Then that's the Committee recommendation.

40
41 Council President Leventhal,
42 Okay, I'm comfortable with that, as well. That would be a unanimous Committee
43 recommendation. Can you give us just a moment to discuss what we might do about the
44 fuel depot? I mean what are we looking at now?

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1 Arthur Holmes,
2 We're going to look at various reconfigurations of that particular element. Hamid, do you
3 want to show them... It would be moving -- looking at moving some of the buildings or
4 either actually reducing the footprint of some of the buildings so that then we could get
5 the site inside the depot area, or there are some other alternatives that we would want
6 to look at also.

7
8 Council President Leventhal,
9 Hamid?

10
11 Hamid Omidvar,
12 Hamid Omidvar, DPWT. Okay, you can hear me. Very briefly, this is Phase 1, as we
13 talked, that we're going to proceed with the access road. This is an area of the
14 maintenance facility and the maintenance parking area. What we are going to do -- as
15 you know, the existing fuel station is here and the existing Brookville Road has this bent
16 into our design and it's going out. Our concern was the safety of -- actually the concern
17 was the safety of the pedestrians going this way and also the security of the site when
18 people approach for the fuel station they already pass the gateway of the site, if you will.
19 What we are trying to do now is figure out what would happen if we explore alternatives
20 such as creating a cul-de-sac at the end of the Brookville, inside our facility. Put the
21 station there maybe and then shift this building this way, make it three-story or two and
22 a half-story or do something like that, move some of the parking maybe on this side.
23 These are all the possibilities that we need to explore in order to fit what's in there, the
24 more than the square foot that we have into this area. We need to explore that. We
25 have not done it, but we think it could be possible. So for that reason, what we intend to
26 do is a total redesign of this area, which is Phase 2.

27
28 Council President Leventhal,
29 But in the interim, we can continue to use the existing fuel station?

30
31 Hamid Omidvar,
32 Correct. While we're designing, yes.

33
34 Glenn Orlin,
35 There's a third option too, Hamid, why don't you talk about the third one?

36
37 Hamid Omidvar,
38 Well, the other option would be to -- since we cannot build it in here -- would be to flip-
39 flop it and build it on what we call site "D," which is on the other side of the Laytonsville
40 Place Road, here. Currently there are buildings in here and there are trades going on in
41 here. These are not retail, these are Industrial facilities. And what we heard from the
42 light rail is they may clip the first building in here. And if they do so this building would
43 need to be bought and need to go away. Our proposition is that since we don't know
44 really when they come, the other alternative, if Council wishes, we could proceed with

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1 purchasing of this site -- County purchase of that site, demolish the building that is
2 necessary and build the fuel station there.

3
4 Council President Leventhal,
5 And keep the rest of it available for the Purple Line?

6
7 Hamid Omidvar,
8 Keep the rest of it available for Purple Line. And then explore scenarios of working with
9 the state later.

10
11 Council President Leventhal,
12 We could deal with that in two years?

13
14 Glenn Orlin,
15 What the scenario really is they will be doing appraisals on the site to see how much it
16 would cost to buy it. Then they'll approach the seller -- see if it's a willing seller, because
17 remember the County doesn't have quick take and this is the fuel facility that needs to
18 be built within the next year or so. So, this option will only work if, in fact, the costs aren't
19 too high and if there is a willing seller. That's why we looked at the other two options, as
20 well.

21
22 Council President Leventhal,
23 So DPWT will keep us advised. Is there objection to the recommendation of the T&E
24 Committee to allow...

25
26 Councilmember Floreen,
27 As modified.

28
29 Council President Leventhal,
30 ...to allow part of the new parking facility and bus facility to proceed? There is no
31 objection. Thank you, DPWT, thank you to all interested in this matter and we're done
32 on the CIP for now. We're going to convene as the District Council right after I sneeze.

33
34 [LAUGHTER]

35
36 Councilmember Perez,
37 Bless you! Good modeling, Mr. President. Mr. Silverman is not modeling on his
38 sneezes...

39
40 Councilmember Silverman,
41 What?

42
43 Councilmember Perez,
44 You sneezed like that.



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1 Council President Leventhal,
2 Okay, we have ZTA 06-09, a corrective map amendment regarding split zone property.
3 We need a resolution to establish a public hearing for May 2nd. We need a motion to
4 that effect. Mr. Subin has moved and Mr. Perez has seconded the resolution to
5 establish the public hearing for May 2nd. Those in favor will signify by raising their hand.
6 It is unanimous. We next have introduction of Zoning Text Amendment 06-10:
7 Subordinate Structure Revisions, sponsored by Councilmembers Praisner and
8 Silverman. We need to have a motion to establish a public hearing on May 2nd. Ms.
9 Praisner as moved and Mr. Knapp has seconded the resolution. Those in favor of the --
10 of having a public hearing on May 2nd will signify by raising their hands. It is
11 unanimous. We turn now to Legislative Session, is there a Legislative Journal for
12 approval?

13
14 Council Clerk,
15 March 14th.

16
17 Councilmember Knapp,
18 Move approval.

19
20 Council President Leventhal,
21 Mr. Knapp has moved and Mr. Perez has seconded approval of the Legislative Journal
22 of March 14. Those in favor will signify by raising their hands. It is unanimous among
23 those present. We have Introduction of Bills, Bill 5-06, Compensation For Elected
24 Officials. We need a motion to -- no, a public hearing is already scheduled for April 18.
25 Ms. Praisner?

26
27 Councilmember Praisner,
28 I just wanted staff to look at the issue in the month in which -- the year-to-year
29 evaluation of the CPI is done. I know it's September now and so the September is in
30 here, but I wonder -- we use other months for other purposes and maybe we could by
31 virtue of this legislation look at the month -- the year-to-year month in which the
32 calculation is done.

33
34 Council President Leventhal,
35 Okay. Bill 5-06 is introduced. And our last item of the day is call of Bills For Final
36 Reading. Bill number 1-06: Personnel - Special Days of Commemoration has been
37 recommended with amendments by the MFP Committee. Chairwoman Praisner.

38
39 Councilmember Praisner,
40 Yes, the Management and Fiscal Policy Committee had a discussion of this legislation,
41 which would initiate a program of special days of commemoration and the process for
42 implementing that and had a discussion with the head of the Department of Human
43 Resources and our own attorney, as well as had the benefit of information from the
44 County Attorney about the questions of whether this legislation violates the first
45 amendment. The County attorney has opined that it does not. The County Executive

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1 supported the bill, but had a number of amendments, which the Committee discussed. I
2 will go through them very quickly. Number one, the bill designates 24 -- as introduced,
3 designated 24 days of commemoration and authorized the CAO to designate additional
4 days. The Committee received a request from the County Executive to add three days
5 now to the list. That would be Martin Luther King Day, Juneteenth, and Kwanzaa, and
6 the Committee approved that.. The CAO -- the bill gives the CAO authority to designate
7 additional days of commemoration if the CAO determines that the day has special
8 religious, ethnic, or cultural meeting that will affect the daily activities of more than 3% of
9 the County's population based on most recent United States census or other relevant
10 data. The County Executive raised concerns about the stringency of that. The way in
11 which 3% would be designated, et cetera, how one would handle the various requests,
12 et cetera. The Committee in response to that concern about administrative burdens
13 recommends the following: clarify that the CAO is under no obligation to designate
14 additional days by substituting the word "May" for the term "Should"; authorize the CAO
15 to designate a day if the CAO finds that a day has special significance, et cetera, to a
16 significant portion of the County's population, thereby removing the 3% threshold;
17 requiring the CAO to provide quarterly notice of all days of commemoration and in the --
18 obviously in the next three months, rather than separate notice for each day, one-week
19 prior -- before the day of commemoration; requiring the CAO to provide a second notice
20 in the seven-day period proceeding, again, rather than having it the day before;
21 requiring the CAO to use a generally-accepted reference source to develop the
22 explanation -- there was some concern about unintended consequences of insults that
23 might occur by virtue of what is written about the day of commemoration -- and requiring
24 that any notice sent to employees specified the day on which a date of commemoration
25 is usually observed. There was a concern that there may be differences of opinion and
26 use of that term will help to respond. The bill also required any notice of a day to include
27 a greeting or salutation. The County Executive was concerned about the fact that it
28 might lead employees to believe that there was an expectation or requirement to use
29 that greeting and also that there may be some inadvertent concern with offending
30 individuals because of the use or lack thereof. So, the Committee amended the bill to
31 delete the requirement for the greeting or salutation. And the issue, the bill as
32 authorized -- the bill as introduced authorizes the CAO to designate additional days, it
33 says nothing about how the County would take track of the days, and also where there
34 might be an ability or a expectation that a day would be removed from the list. The
35 Committee recommends amending the bill to require the CAO to maintain a list of those
36 days and putting them on -- accessible on the website. And also adding language that
37 will allow the CAO to remove a day designated on the list, should that
38 desire/expectation occur. We also discussed posting notice and information on the
39 website and the internal employee access intranet, and the Department said they had
40 no objections. We also talked about how other jurisdictions handled the issue. I'd like to
41 thank staff, Amanda White, for the review she's done. Also, legislation -- some
42 jurisdictions have used legislation for specific days of commemoration. Some have used
43 just proclamations and resolutions but it's clear from the review that other jurisdictions
44 focus on this issue, as well. The Committee recommends approval as amended -- of the
45 legislation. And thanks, Mr. Leventhal, for bringing it to us.

March 28, 2006



1 Council President Leventhal,
2 And thanks to Mr. Silverman for co-sponsoring. I want to thank Chairwoman Praisner
3 and the MFP Committee. I think the improvements made to the bill are excellent. I will
4 now provide about 10 minutes each of discussion of each of the 27 commemorative
5 days.
6

7
8 Councilmember Silverman,
9 Well, Mr. President, I couldn't help but notice there's a few more days we could add that
10 are attached here.
11

12 Councilmember Praisner,
13 Like George Leventhal's birthday?
14

15 Councilmember Silverman,
16 No, apparently the state of Rhode Island is celebrating so it's a great list.
17

18 Councilmember Perez,
19 There is a Pulaski Day in Buffalo, growing up was a huge day.
20

21 Councilmember Silverman,
22 How is our Lithuanian population in the County?
23

24 Council President Leventhal,
25 Let me be serious for just a moment and say it's not too often we are able to do
26 something that costs nothing and that brings a lot of happiness to a lot of people. I think
27 by voting for this bill today, we do that. I am really -- it warms my heart, the reaction that
28 this legislation has gotten from many, many sectors of the community. It has been
29 widely publicized. The Council will be lauded far and wide for this legislation. It really
30 has gotten an extraordinarily positive response from a lot of people who have heard
31 about it and there's been a lot of talk about it. So, I cast my vote in favor of this
32 legislation with great happiness and appreciation to my colleagues. And the clerk will
33 call the roll -- yeah, the clerk -- oh, Mr. Perez, did you want to comment?
34

35 Councilmember Perez,
36 No, sir.
37

38 Council President Leventhal,
39 Okay.
40

41 Councilmember Perez,
42 Ditto what you just said!
43

44 Council Clerk,
45 Ms. Floreen?



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1
2 Councilmember Floreen,
3 Yes.

4
5 Council Clerk,
6 Mr. Subin?

7
8 Councilmember Subin,
9 Yes.

10
11 Council Clerk,
12 Mr. Silverman?

13
14 Councilmember Silverman,
15 Yes.

16
17 Council Clerk,
18 Mr. Knapp?

19
20 Councilmember Knapp,
21 Yes.

22
23 Council Clerk,
24 Mr. Andrews?

25
26 Councilmember Andrews,
27 Yes.

28
29 Council Clerk,
30 Mr. Perez?

31
32 Councilmember Perez,
33 Yes.

34
35 Council Clerk,
36 Ms. Praisner?

37
38 Councilmember Praisner,
39 Yes.

40
41 Council Clerk,
42 Mr. Leventhal?

43
44 Council President Leventhal,
45 Yes. The bill is adopted 8-0. The Council is adjourned.

March 28, 2006



1